United Nations CRC/C/SR.1930

Convention on the Rights of the Child

Distr.: General
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Committee on the Rights of the Child
Sixty-eighth session

Summary record (partial)* of the 1930th meeting
Held at the Palais Wilson, Geneva, on Monday, 12 January 2015, at 10 a.m.

Chairperson: Ms. Sandberg

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* No summary record was prepared for the rest of the meeting.

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GE.15-00360 (E) 130115 140115

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The meeting was called to order at 10.15 a.m.

Opening of the session

1. **The Chairperson** declared open the sixty-eighth session of the Committee on the Rights of the Child.

Statement by the representative of the Secretary-General

2. **Mr. Salama** (Director, Human Rights Treaties Division, Office of the United Nations High Commissioner for Human Rights (OHCHR)) welcomed the Committee members on behalf of the Secretary-General. He said that the Committee's achievements in 2014, in addition to the consideration of reports from 34 States parties, had included the adoption of a groundbreaking general recommendation/general comment on harmful practices, adopted jointly with the Committee on the Elimination of Discrimination against Women; the organization of a day of general discussion on digital media and children's rights; and the entry into force of the third Optional Protocol to the Convention on a communications procedure.

3. The twenty-fifth anniversary of the Convention's adoption and the media attention garnered by certain country dialogues had raised the Committee's public profile immensely. The international online dialogue to mark the anniversary had demonstrated that children could participate meaningfully in such exercises when given the appropriate information and the necessary support in forming their own opinions. Those achievements had, however, been set against a backdrop of ongoing serious violations of children's rights. The shocking events had included massacres of 136 children in a school in Peshawar and possibly of hundreds more in attacks against schools in Nigeria and Syria.

4. The treaty body strengthening process had now come to a successful conclusion with the adoption of General Assembly resolution 68/268. In line with that resolution, the Committee would be working in dual chambers in 2015 to reduce the backlog of reports before it from 80 to 40. As custodian of the human rights treaty with the greatest number of ratifications, the Committee was clearly a victim of its own success. The General Assembly resolution also emphasized increased harmonization of working methods among treaty bodies. The Committee had already taken welcome decisions on that score, such as to offer Member States a simplified reporting procedure and to streamline its concluding observations.

5. With regard to the post-2015 agenda, the Secretary-General's synthesis report on the process to date included important references to children, in particular calls to end violence against women and children and to focus on education. Negotiations were under way on a new draft of goals and indicators, a crucial phase in ensuring that the post-2015 development agenda was grounded in human rights norms, including those of the Convention on the Rights of the Child and its Optional Protocols.

6. At an event in September 2014, the Human Rights Council had launched the technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age. It was intended to be used in conjunction with the Committee's general comment No. 15 on the right of the child to the enjoyment of the highest attainable standard of health. The Committee's Vice-Chairperson, Ms. Wijemanne, had been closely involved in the development of the guidance. OHCHR would welcome references to the guidance in the dialogue with States parties when child mortality was an issue of concern.

7. In closing, he thanked Mr. Cardona for his help in preparing a background report for the Council's upcoming day of discussion on better investment in the rights of the child. He

likewise thanked the three outgoing members of the Committee — Ms. Al-Shehail, Ms. Herczog and Ms. Wijemanne — for their contributions to its work.

Submission of reports by States parties

8. **Ms. Franchetti** (Secretary of the Committee) said that five reports had been received by the secretariat of the Committee since the sixty-seventh session, bringing the number of reports pending consideration to 84. Four reports had been received under the Convention, from South Africa, Bhutan, Malawi and Georgia, and the initial reports of Nauru and Tonga were still pending. Malawi had submitted its initial report under the Optional Protocol on the involvement of children in armed conflict.

9. Since the sixty-seventh session, three countries — the Dominican Republic, Ghana and Guinea-Bissau — had ratified the Optional Protocol on the involvement of children in armed conflict, bringing the number of ratifications to 159. Two countries had ratified the Optional Protocol on the sale of children, child prostitution and child pornography, bringing the number of ratifications to 169. Three countries had signed the Optional Protocol on a communications procedure, making the number of signatories 48, and three more — Andorra, Ireland and Monaco — had ratified it, the number of ratifications now being 14.

Adoption of the agenda (CRC/C/68/1)

10. **The Chairperson** outlined the programme of work for the session, which included the consideration in dual chambers of 20 reports on the Convention and Optional Protocols submitted by 12 States parties; the continued discussion of the Committee's methods of work, especially those concerning the Optional Protocol on a communications procedure and the follow-up to the treaty body strengthening process; the adoption of the recommendations from the day of general discussion on digital media and children's rights; and the resumption of work on three general comments on public spending to realize children's rights; adolescents; and children in street situations. She said she took it that the Committee wished to adopt the agenda.

11. *It was so decided.*

The discussion covered in the summary record ended at 10.35 a.m.

United Nations CRC/C/SR.1931

Convention on the Rights of the Child

Distr.: General
15 January 2015

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Committee on the Rights of the Child
Sixty-eighth session

Summary record (partial)* of the 1931st (Chamber A) meeting
Held at the Palais Wilson, Geneva, on Monday, 12 January 2015, at 3 p.m.

Chairperson: Ms. Sandberg

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Initial report of Cambodia on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 3.05 p.m.

Consideration of reports of States parties

Initial report of Cambodia on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/KHM/1)

1. *At the invitation of the Chairperson, the delegation of Cambodia took places at the Committee table.*

2. **Mr. Ith** (Cambodia) said that Cambodia had ratified the Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in 2002. Cambodia currently enjoyed healthy economic growth and the rate of poverty had been reduced. Budgetary allocations for social affairs, education and health had been increased for 2015 compared to 2014. Support for vulnerable children had been strengthened.

3. The Ministry of Social Affairs, Veterans and Youth Rehabilitation ensured that private and public residential care centres complied with the relevant national standards. There were currently 225 orphanages, housing nearly 12,000 children (including children with disabilities); 22 of those establishments were State-run and catered for more than 2,200 orphans. Orphanages provided education, vocational training and reintegration services.

4. The Government was working to eliminate the worst forms of child labour; provide children with access to education, vocational training and social reintegration; and combat trafficking in persons. Programmes to provide educational support and improve the livelihoods of families were being implemented in the context of a road map to eliminate the worst forms of child labour by 2016. As a result, over 1,000 children had been removed from child labour in 2013 and had been provided with vocational training. Steps had also been taken to provide the parents of vulnerable children with financial support.

5. A committee had been set up to implement the National Plan of Action on the Suppression of Human Trafficking, Smuggling, Labour and Sexual Exploitation and the Law on Suppression of Human Trafficking and Sexual Exploitation. More than 300 victims of human trafficking and sexual exploitation, including 125 children, had been rescued in 2013, and 132 perpetrators had received prison sentences in the capital and provincial courts. A new national plan of action was being developed for 2014–2018. The Cambodia National Council for Children (CNCC) had recently completed a review of the legal child protection framework and had made a number of recommendations on the amendment of existing legislation and the introduction of new child protection laws and regulations. Moreover, the Council had assisted in the drafting of legislation and a code of conduct on the protection of children's rights and welfare and the prohibition of child pornography; developed a five-year national plan for child development (2014–2018); and set up a national committee on child protection.

6. **The Chairperson**, lauding the efforts made by the Government of Cambodia to implement the Optional Protocol, asked whether any assessment had been made of the results of the national action plan to combat trafficking and sexual exploitation of children. She wished to know whether a new plan had been prepared or whether the activities concerned were covered by a broader five-year national development plan. In the latter case, would sufficient resources be made available to ensure effective implementation?

7. The Cambodia National Council for Children (CNCC) had done effective work in relation to the Optional Protocol but its activities and those of a number of other national

bodies seemed to overlap. She asked how those activities were coordinated and whether the CNCC was sufficiently well funded.

8. On the subject of data, she noted that the various systems in place were fragmented and asked whether it was planned to improve the situation in that regard. She asked what was being done to raise awareness of the offences covered by the Optional Protocol, particularly in the area of sexual exploitation. Was it planned to include those issues in school curricula? She understood that judicial officials, particularly those based in remote rural areas, did not receive sufficient training on the offences in question. More training was also needed for social workers, together with an increase in resources for social work, particularly at the local level. There was a lack of complaints mechanisms for children and the existing 24-hour telephone hotline only covered certain areas of the country. There was no obligation to report instances of child abuse and insufficient provision had been made for the detection and reporting of sexual exploitation.

9. With regard to prevention, she asked what measures had been planned to reduce poverty, which appeared to be the driving force behind sexual exploitation. She also asked what was being done to make children, particularly street, migrant and unaccompanied children, less vulnerable and whether screening for sexual exploitation was carried out when children were taken into State facilities. Noting that the birth registration rate in the poorest quintile was just under 50 per cent, she underscored the difficulty of protecting unregistered children.

10. The labour laws on prevention did not cover children working in the informal sector or those carrying out hazardous work. Minors over the age of 16 could work in the entertainment sector but were prohibited by law from entering places of entertainment for adults; it was not clear which legislation took precedence in that regard. Laws designed to curb prostitution did not cover minors under the age of 18 working in beer gardens and other premises, who might well be propositioned by clients. She requested clarification in that regard.

11. Sex tourism involving children was on the increase. She enquired about the extent of the practice of moto-taxi drivers reporting sex tourism offences and whether there were any plans to extend the geographical coverage of the 24-hour telephone hotline. Did the Government intend to launch awareness-raising campaigns in rural areas regarding the increasing level of recruitment of children for purposes of sexual exploitation? More research was required on the causes of sexual exploitation and the use of the Internet in that regard, as well as on prostitution involving boys. As to child pornography, she asked whether there were any educational programmes on the issue of Internet safety and whether Cambodia had a sex-offender registration system.

12. Existing domestic legislation prohibited trafficking in persons for the purpose of sexual exploitation involving the use of deception, force or coercion; however, where children were concerned, all trafficking should be prohibited regardless of the methods employed.

13. According to alternative sources, the definition of the sale of children contained in national law did not cover offering, delivering or accepting, by whatever means, a child for the purpose of sexual exploitation, transfer of organs for profit or forced labour. Moreover, the definition of child pornography in domestic legislation did not cover images of sexual organs or written or audio materials involving child pornography. Possession of child pornography and the use of information and communications technology to access child pornography and groom children were not criminalized. Sex tourists were rarely prosecuted, owing to out-of-court settlements and corruption. The Government should take action to improve the skills of the officials responsible for investigating cases of sex tourism. She

urged Cambodia to use the Optional Protocol as a basis for the extradition of child sex offenders.

14. Child victims of sexual exploitation either did not know where to report abuse or felt that it was not worth attempting to do so. Moreover, the capacity of the police to respond to such reports was limited. She asked whether the Government intended to establish a victim and witness protection programme and whether there were plans to provide such individuals with free legal aid. Would the recovery and reintegration measures for victims of trafficking be extended to cover victims of other offences listed in the Optional Protocol and were any State-run programmes in place to deal with that issue?

15. **Ms. Khazova** asked what measures had been taken to prevent the use of adoption for the purpose of the sale of children or for other purposes covered by the Optional Protocol.

16. **Mr. Gastaud** (Country Rapporteur) asked how conflicts between the provisions of the Convention and those of domestic law were reconciled and whether the relevant provisions of domestic law had been revised following the ratification of the Optional Protocol by Cambodia. With regard to coordination, he wished to know how much influence the Cambodia National Council for Children had over the various ministries and what action it could take if those ministries failed to take account of its recommendations.

17. **The Chairperson** welcomed the fact that the delegation included representatives from the Ministry of Economy and Finance, which would have a key role to play in implementing the Committee's recommendations.

The meeting was suspended at 3.50 p.m. and resumed at 4.20 p.m.

18. **Mr. Ith** (Cambodia) said that it was planned to incorporate the Optional Protocol in university curricula and training programmes for prosecutors and police officers. Provision for its dissemination had been made in the draft National Plan of Action on the Suppression of Human Trafficking, Smuggling, Labour and Sexual Exploitation.

19. Complaints of rights violations could be lodged with the Cambodian Human Rights Committee, and a complaints mechanism set up within the court system was accessible in all provinces and to all citizens, including children.

20. **The Chairperson** asked whether the mechanism was well known and used in practice.

21. **Mr. Ith** (Cambodia) said that the Ministry of Justice had taken steps to raise awareness of the mechanism, partly through the distribution of informative videos to other government ministries and NGOs. Under the Criminal Code, civil servants had a responsibility to report rights violations that were brought to their attention.

22. The Law on Tourism prohibited minors from entering entertainment venues intended for adult tourists. The Ministry of Tourism had established a working group to monitor such venues and enforce the law in cooperation with the police. Moreover, the Labour Law stipulated that minors aged 16 and over could not work at night or in hazardous occupations. The Government was responding to the issue of child sex tourism. A working group had been set up to draft a law on the matter and liaise with authorities in neighbouring countries to review existing legislation and identify child sex tourism offences. Child pornography was strictly forbidden in Cambodia. In the past, tourists had been punished for taking indecent images of children in public places.

23. **Ms. Chou** (Cambodia) said that steps had been taken to assess the effectiveness of the National Plan of Action on the Suppression of Human Trafficking, Smuggling, Labour and Sexual Exploitation. The new plan that was being drafted contained specific provisions related to child trafficking. Victim support centres had been created and a database had

been developed to collate information held by government ministries. The Ministry of Justice and the National Committee to Combat Trafficking in Persons were drafting policies aimed at helping child victims to leave the centres and return to society.

24. **Mr. Men** (Cambodia) said that the Ministry of Social Affairs, Veterans and Youth Rehabilitation was working at the provincial level to ensure that all citizens had access to welfare provision and that social workers received adequate training. The Law on Intercountry Adoption was under review. Pending the approval of a revised bill, no intercountry adoptions were being authorized owing to fears over human trafficking. The Government was holding talks with the adoption authorities to decide how best to proceed.

25. **Ms. Bou** (Cambodia) said that the Cambodia National Council for Children, which had been established in 1995, was the body responsible for implementing the Convention and its Optional Protocols in the country. To that end, it had developed the National Plan for Child Development for the period 2014–2018, which was being implemented under a budget allocated by the Ministry of Economy and Finance. The Council was also working closely with the National Committee to Combat Trafficking in Persons in order to address the specific issue of child trafficking.

26. **The Chairperson** said that it was unclear how the role and responsibilities of the Cambodia National Council for Children differed from those of the National Committee to Combat Trafficking in Persons, and invited the delegation to provide further clarification.

27. **Ms. Chou** (Cambodia) said that the tasks undertaken by the two bodies did not overlap. The role of the Council was to coordinate all government measures and policies related to the situation of children. The Committee, for its part, focused on the prevention of human trafficking through relevant legislation, victim support and rehabilitation, and the prosecution of perpetrators. Although it cooperated and shared information with the Council, its remit was to tackle human trafficking and organized crime.

28. **The Chairperson**, noting that concerns had been raised over the level of budgetary allocations to the Cambodia National Council for Children, asked whether there had been any increase in those allocations.

29. **Mr. Men** (Cambodia) said that the Council had been allocated more resources and had hired 18 new staff members. It continued to cooperate with the Ministry of Economy and Finance with a view to securing further budget increases.

30. **Ms. Keo** (Cambodia) said that there had been a significant increase in the budget allocated to the Ministry of Social Affairs, Veterans and Youth Rehabilitation for the purpose of implementing the National Strategic Development Plan 2014–2018.

31. **Ms. Chou** (Cambodia) said that the birth registration system was being reformed in order to place greater emphasis on street and migrant children. A working group had been established to gather statistics at the community level and identify unregistered children. Mobile teams had also been set up to improve access to birth registration, which was free of charge.

32. **The Chairperson** enquired about the status of the Law on Intercountry Adoption.

33. **Mr. Men** (Cambodia) said that the Law was still under review. A working group had been created to ensure minimum standards of care in the 22 centres for foster children in Cambodia.

34. **Mr. Gastaud**, referring to the Mobile Campaign for Registration of Vital Statistics mentioned in paragraph 26 of the replies to the list of issues, asked what results had been achieved. He also wished to know whether birth statistics gathered at the local level were collated to provide a national picture.

35. **Ms. Chou** (Cambodia) said that a computerized database had been set up to pinpoint gaps and promote birth registration across the country, particularly in rural areas.

36. **The Chairperson** requested additional information on the 24-hour hotline for receiving complaints that was mentioned in paragraph 31 of the State party report. In particular, the delegation should comment on reports that the hotline was available only in certain provinces. She also enquired about poverty prevention measures and programmes, particularly those directed at street and migrant children. Lastly, the delegation should supply more detailed information regarding the prohibition of child pornography, and comment on alleged loopholes in national legislation on prostitution that left children working in beer gardens vulnerable to sexual abuse.

37. **Mr. Ith** (Cambodia) said that the helpline provided 24-hour, countrywide coverage. The Government took the issue of child sex tourism very seriously and had taken specific preventive measures, such as stepping up police monitoring in at-risk areas and carrying out awareness-raising campaigns at the community level. Child pornography was clearly prohibited under the law and persons who took photographs of naked children were arrested and prosecuted.

38. **Mr. Madi** asked whether the Optional Protocol could be considered as a basis for extradition in the absence of an extradition treaty. He also asked whether Cambodia had asserted extraterritorial jurisdiction over all related offences.

39. **Mr. Gastaud** requested data on any individuals that had been investigated and prosecuted for offences covered by the Optional Protocol as well as further information on the State party's policy regarding the protection of street children.

40. **The Chairperson** asked whether she was correct in her understanding that Cambodian law did not extend to photographs of children's sexual organs or audiovisual pornographic materials and that the possession of child pornography was not a criminal offence.

41. **Mr. Ith** (Cambodia), citing the example of a Japanese tourist who had been arrested and tried for taking photographs of naked children playing on a beach, said that taking such photographs was an offence when the purpose was pornographic or commercial. The Ministry of Justice was building its capacity to protect children. Cambodia had extraterritorial jurisdiction over all offences committed by its nationals abroad.

42. **Mr. Gastaud** asked what penalty had been imposed on the Japanese tourist.

43. **Mr. Ith** (Cambodia) replied that, although he did not have specific details of sentence, such offences were subject to a minimum of 5 years' imprisonment.

44. **Mr. Madi**, referring to the case of the Japanese tourist, asked whether photographing naked children in private, as opposed to public places, was also an offence. Did the State party intend to criminalize the possession of child pornography?

45. **Mr. Ith** (Cambodia) said that the act of photographing a naked child was an offence, irrespective of the location; possession had not yet been defined but a review was under way to determine what acts would constitute possession.

46. **The Chairperson**, pointing out that Cambodia had been a party to the Optional Protocol for 10 years, asked who was conducting the review and whether there was a deadline for its completion and the adoption of any legislative measures.

47. **Mr. Ith** (Cambodia) said that lawyers were discussing the issue of possession and were studying the approach taken by other countries. The Criminal Code provided for extradition in the absence of a specific treaty with another country and had been used in 2011 to extradite foreign men accused of abusing Cambodian children.

48. **Mr. Madi** asked where the abuse had taken place.

49. **Mr. Ith** (Cambodia) replied that, for the most part, the abuse had occurred in the offenders' country of origin, which had then requested extradition.

50. **Mr. Gastaud** asked whether those men had been brought to justice.

51. **Mr. Ith** (Cambodia) said that the authorities had no detailed information in that regard. However, they had on at least one occasion cooperated closely with their counterparts in the United States of America during both the investigation and trial phases.

52. **The Chairperson** asked whether child victims and witnesses were entitled to legal aid and what alternatives were being considered to spare them having to appear in court.

53. **Mr. Ith** (Cambodia) said that there was no juvenile justice system, but that the Government was drafting a law on the matter that would address all relevant issues. Select courts were equipped with video links so that children did not have to be confronted with the alleged offenders.

54. **The Chairperson** asked whether that meant that all cases involving children were heard at the specially equipped courts or that not all children benefited from such protective measures.

55. **Mr. Ith** (Cambodia) replied that the video option was being piloted in areas with a higher incidence of offences against children. In courts elsewhere, children could be shielded from the defendants by means of a screen. If children did not have the means to hire a lawyer, one was appointed for them by the court at no cost.

> *Initial report of Cambodia on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict* (CRC/C/OPAC/KHM/1; CRC/C/OPAC/KHM/Q/1 and Add.1)

56. **Mr. Gastaud** (Country Rapporteur) commended the State party on raising the minimum age for enrolment in the armed forces to 18, but observed that certain definitions contained in the Criminal Code were not in line with the Optional Protocol. He asked how the State party could assert that there were no children involved in the armed forces if it was unable to provide any relevant figures. Moreover, how did the authorities ascertain a child's age if that child did not have the requisite identity documents? Noting that rehabilitation and reintegration efforts appeared to be limited, especially in northern parts of the country bordering conflict areas, he enquired about measures to identify and rehabilitate potential child victims. Pointing out that some groups still had poor knowledge of human rights, he wished to know what steps the Government intended to take to address that issue. He asked whether Cambodia had extraterritorial jurisdiction over offences covered in the Optional Protocol. Lastly, drawing the delegation's attention to a discrepancy between the report and the replies to the list of issues, he asked whether or not weapons were produced in the country.

The discussion covered in the summary record ended at 5.50 p.m.

United Nations CRC/C/SR.1932

Convention on the Rights of the Child

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Committee on the Rights of the Child
Sixty-eighth session

Summary record of the 1932nd (Chamber B) meeting
Held at the Palais Wilson, Geneva, on Monday, 12 January 2015, at 3 p.m.

Chairperson: Ms. Wijemanne (Vice-Chairperson)

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Consideration of reports of States parties (*continued*)

Combined third to fifth periodic reports of the Dominican Republic

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The meeting was called to order at 3 p.m.

Consideration of reports of States parties (*continued*)

Combined third to fifth periodic reports of the Dominican Republic (CRC/C/DOM/3-5; CRC/C/DOM/Q/3-5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of the Dominican Republic took places at the Committee table.*

2. **Mr. Padilla Vicioso** (Dominican Republic), introducing the combined third to fifth periodic reports of the Dominican Republic (CRC/C/DOM/3-5), said that the Organic Act establishing the national development strategy of the Dominican Republic for the period 2010–2030 had been promulgated on 25 January 2012. The national development strategy provided a guiding framework for public policies and the efforts of the different sectors to achieve national development goals. The Government considered that the promulgation of the Organic Act gave effect to the recommendation contained in paragraph 12 of the Committee's previous concluding observations (CRC/C/DOM/CO/2) regarding the need to implement one consolidated national plan of action for children. The Government had also launched an early childhood programme called "Quisqueya Empieza Contigo" (Quisqueya starts with you) to assist children aged between the ages of 0 and 5 as part of its wider efforts to reduce poverty and social exclusion. The primary objective of the programme was to increase the availability of early childhood services through a number of initiatives specially designed for that purpose. The Government had adopted various strategies to address the issue of non-registration at birth. As part of one such strategy, the Central Elections Board had instructed hospitals to register births systematically. Moreover, a special prenatal registration form had been designed to ensure that all children were included in the Civil Registry.

3. The Government had taken note of the opinions expressed and suggestions made concerning the impact of Constitutional Court ruling 168-13 on the recognition of the Dominican citizenship of certain children and adolescents and had examined the legal alternatives that existed within the Dominican legal order with a view to remedying any inequalities or injustices. The Government was continuing to work to overcome the challenges relating to the registration and documentation of Dominican citizens and to migration control. In 2013, the President of the Republic had declared his intention to preserve both the fundamental and acquired rights of all persons residing in the Dominican Republic. To that end, the Government had adopted a strategy aimed at documenting and regularizing the status of all persons residing in the Dominican Republic so as to protect their fundamental rights and reduce their vulnerability. A road map for implementing the strategy had been drawn up and efforts were under way to meet the different documentation needs of Dominican citizens and foreign nationals. Under the national plan for regularizing the status of foreign nationals in an irregular migratory situation, it would be possible for foreign nationals in an irregular situation to acquire one of the migration statuses provided for by law on the condition that they met the relevant criteria. The plan could thus allow thousands of people from more than 100 countries who were residing in the Dominican Republic to regularize their migration status.

4. The Government recognized the need to adopt effective public policies and programmes to combat violence against children and adolescents and to afford them adequate protection. To that end, a proposal for a national strategic framework to guide public policies aimed at combating that phenomenon had been developed. The proposal, known as the Road Map, established the operating guidelines for the various entities tasked with dealing with the phenomenon.

5. The National Council for Children and Adolescents (CONANI) remained the institution responsible for the protection of children and adolescents. Thirty-one local child protection councils had been set up in 2014 and 50 more would be added in 2015. The Government was also in the process of implementing a foster care programme, which would serve as the basis for a wider policy to promote care in a family setting and to curb the use of institutionalization as a protection measure.

6. Over the preceding four years, the Government had increased investment in basic social policies and in the protection afforded to vulnerable segments of society, including children and young people. A number of new initiatives had been launched, including one programme to prevent teenage pregnancy and another to address the worst forms of child labour.

7. **Ms. Oviedo Fierro** (Country Rapporteur) requested additional information on the specific functions of CONANI. She asked whether the involvement of CONANI in providing direct assistance to children and adolescents in need did not undermine its role as the institution responsible for coordinating the different bodies involved in the protection of children and adolescents. She enquired as to the role played by CONANI in following up complaints concerning violations of children's rights. She asked how CONANI coordinated efforts to protect children and adolescents at the regional level in view of the limited number of local child protection councils and the absence of CONANI offices at the municipal level. She also wished to know whether the special committees set up to oversee the implementation of the different plans and programmes to assist children and adolescents came under the authority of CONANI.

8. It seemed to her that the promulgation of the Organic Act establishing the national development strategy of the Dominican Republic for the period 2010–2030 did not give effect to the recommendation contained in the Committee's previous concluding observations on the need to implement one consolidated national plan of action for children, as the national development strategy appeared to include only one programme that specifically addressed the needs of children and adolescents, namely "Quisqueya Empieza Contigo". She requested additional information on how the national development strategy catered to the specific needs of children and adolescents.

9. The Committee was concerned at the lack of visibility of children in the plans and programmes adopted to improve their situation. She requested additional information on the specific functions of the Ombudsperson for Children and Youth. She asked whether there was another institution apart from the Ombudsman's Office that was competent to defend children's rights. She asked what the State party had done to give effect to the recommendations contained in paragraph 17 of the Committee's previous concluding observations concerning the helplines for children and adolescents. She also wished to know about the measures in place to protect children from the dangers associated with social media and new technology. Noting that the Government had increased investment in basic social policies, she asked whether more funding had been allocated to policy areas affecting children and adolescents, such as special protection for the victims of trafficking or sexual abuse.

10. She requested the State party to provide statistical data to show how often the legal provisions guaranteeing the right of the child to be heard during custody and adoption proceedings were implemented. She enquired about the current situation regarding the children's advisory council. She also requested additional information on the functions and composition of the youth councils mentioned in the State party's report. She asked whether children had the opportunity to express their opinion within the education system and whether their opinions were taken into account by decision makers.

11. She noted with concern that, under Constitutional Court ruling 168-13, tens of thousands of people, the vast majority of whom were of Haitian origin, could lose their Dominican citizenship, and that children born in the Dominican Republic to foreign parents in an irregular situation would be precluded from applying for Dominican citizenship. She would be interested to know of the legal arguments behind the ruling. She requested additional information on the special regime for people born in the Dominican Republic who had been registered in the Civil Registry on an irregular basis provided for under Naturalization Act No. 169 and on any obstacles to the naturalization process. She asked how the State party planned to ensure that all children and adolescents residing in the Dominican Republic were registered at birth and could acquire Dominican nationality.

12. **Ms. Parsi** (Country Rapporteur) said that, despite the State party's efforts to combat violence against children and adolescents, such violence remained prevalent in the home. She asked when the proposal for a national strategic framework to guide public policies aimed at combating violence against children and adolescents, known as the Road Map, would be adopted and how its implementation would be monitored. Noting with regret that, to date, the State party's legislative measures and awareness-raising efforts had done little to curb gender-based violence and femicide, she underscored the need for the State party to do more to remedy that situation. Had the State party considered carrying out a study on violence against children and adolescents which could inform public policy in that area? How did the State party plan to enhance the psychosocial care dispensed to children and adolescents who were victims or witnesses of violence?

13. While corporal punishment had been made unlawful in schools, many children were still subjected to corporal punishment and physical abuse at home and in other settings. Noting that the Committee had called upon the State party to prohibit corporal punishment explicitly in all settings by law in its previous concluding observations, she asked what progress the State party had made in that regard. Welcoming the establishment of disciplinary guidelines aimed at preventing violence in educational establishments, she asked how the State party planned to raise awareness of those guidelines in the educational sphere and whether they had had a positive impact in schools. She also asked how the State party planned to provide children and adolescents with more opportunities for cultural, artistic, recreational and leisure activities at the local level.

14. **Mr. Kotrane** said that the Committee welcomed the fact that the State party had ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. He asked whether the State party also planned to ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance. He also asked what progress the State party had made towards ratifying International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189). He further wished to know whether the Convention could be invoked directly before domestic courts in the State party and of the specific cases in which it had been invoked.

15. He asked whether the State party's Constitution, which stated that the family was the foundation of society, did not provide a pretext for discriminating against children born out of wedlock. In addition, he wished to know whether the courts and the administrative authorities received the training that would make it possible to ensure that the principle of the best interests of the child, enshrined in the country's Constitution, was indeed adhered to.

16. **Mr. Cardona Llorens**, noting that the figures on gender-based and sexual violence provided by the State party were not disaggregated and thus tended to obscure the proportion of the acts of violence committed against children, asked whether the State party

had plans to develop policies whose specific aim was to address violence against children, in particular sexual violence.

17. **Ms. Oviedo Fierro** asked why the great numbers of initiatives that the State party had taken to combat violence had apparently not produced visible results. In 2012, for example, all forms of violence had increased markedly. In view of information provided by the State party itself, she also asked whether the country's capacity to restore victims' rights was not inadequate. Lastly, she requested information on the content and results of agreements between the Ministry of Tourism and the hotel industry regarding commercial sexual exploitation.

18. **The Chairperson** asked why, when such a large percentage of children were born in hospitals, so many births went unregistered, whether the State party had any plans to ensure that all children could obtain birth certificates and whether any efforts were being made to do away with the exception that allowed children under the age of 18 to marry. Lastly, she asked whether the State party was taking any action to implement recommendations to the effect that its legislation and administrative and judicial procedures should be aligned with the provisions of the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

The meeting was suspended at 4.05 p.m. and resumed at 4.40 p.m.

19. **Mr. Hernández Sánchez** (Dominican Republic) said that the functions of CONANI had not changed. It was still the lead agency for safeguarding the rights of children and adolescents. While its decision-making was centralized, the effects of those decisions were felt at municipal level, and for that reason, as well as for economic reasons, what the law stated about the Council's functions was not entirely consistent with the Council's actions in practice. Gradual progress was being made, however. At the time when the periodic report had been drafted, for example, 11 municipalities had run local boards for the protection and restoration of rights, but there were currently 33 such boards, and the 2015 budget forecast the creation of 50 more, which would mean that there would be a local board in more than half of the country's municipalities, each of which was required by law to have one. Immediate compliance with that law was impossible, however. Although the members of the local boards were unpaid volunteers, each board required specialized support, which had to be paid for. The 2015 budget had allocated funds for the creation of a number of municipal offices to provide that support.

20. In addition, the provision of early-childhood services, which had previously accounted for the great majority of the Council's budget, was currently the responsibility of a new institution, which ran the early-childhood programme "Quisqueya Crece Contigo" (Quisqueya grows with you). CONANI had served only 18,000 children aged under 5 in 2014, whereas the 2016 goal for the new institution was to cover as many as 225,000.

21. **Ms. Oviedo Fierro** asked how many children under the age of 5 were currently served and how the goal to cover more than 200,000 could be reached if progress was so slow.

22. **Mr. Hernández Sánchez** (Dominican Republic) said that reorganizing the institutional structure for the provision of early-childhood services had taken time. Centres for early-childhood services were being created, but the centrepiece of the institutional reform was the creation of a pilot community programme which, by drawing on the experiences of other countries in the greater region, such as Chile, would make it possible to serve the desired number of children. The United Nations Educational, Scientific and Cultural Organization had also lent support to the programme.

23. As a result of a popular movement, greater investment was being made in education. Additional classrooms were being built and the school day had been lengthened. However,

making those changes, too, took time. The much longer school days, for example, meant that new cafeterias had to be built. In addition, the Government was making efforts to improve the coordination of actions taken in favour of children. For that reason, an information system was being developed that would make it possible to achieve an overview, including quantitative data, of the work done by all the agencies involved.

24. **Ms. Oviedo Fierro** asked whether greater investment was also being made in children's health.

25. **Mr. Hernández Sánchez** (Dominican Republic) said that in each year from 2010 to 2013 investment in children had increased, as a proportion of the gross domestic product. Those figures were not yet official, however, and they had not been broken down by sector.

26. **Ms. Oviedo Fierro** asked whether the Dominican authorities believed that merely increasing budgets was sufficient.

27. **Mr. Hernández Sánchez** said that, as much as they might have liked it to be the case, Dominican officials did not believe that greater investment alone was the solution to all problems. Regarding unaccompanied minors who had entered the country from Haiti, in particular after the earthquake in 2010, he said that communication between CONANI and the Haitian authorities had not always been satisfactory and that reuniting those children with their families had therefore not been easy. Nonetheless, all but seven of the Haitian children who had been placed in temporary CONANI shelters after the Haitian earthquake had rejoined their families.

28. Haitian children who were being exploited for their labour in Santiago de los Caballeros and Santo Domingo had also been rescued, and the adults who were exploiting them had been imprisoned. In early 2013, a specialized prosecutor's office had been created to deal amongst others with the commercial sexual exploitation of trafficking victims. As a result, several prosecutions had ensued, six of which involved the exploitation of minors.

29. **Mr. Cardona Llorens** asked how many cases of sexual abuse in the family environment had been tried in court. The problems of the commercial sexual exploitation of children in the context of trafficking would be discussed later.

30. **Mr. Hernández Sánchez** (Dominican Republic) acknowledged that information on cases of sexual abuse in the family environment was not readily available, although there had indeed been persons placed in detention for such offences. Cases of sexual abuse involving religious figures, on the other hand, had been given a good deal of attention, including internationally. Locally, several other cases involving church authorities were being dealt with by the courts.

31. In view of a survey showing that 64 per cent of the population resorted to corporal punishment, the authorities had drawn up a road map to address violence in the areas noted in the World Report on Violence against Children. The Dominican Republic was the first country in the region to take such a step. The road map had been approved, and agencies in all relevant sectors were encouraged to align their workplans accordingly. For the planned development of a law on corporal punishment, the Dominican Republic had sought the aid of Uruguay, Argentina and the Bolivarian Republic of Venezuela, which already had such legislation.

32. The Ministry of Education had taken initiatives to combat bullying in schools, but it would take time to change traditional attitudes. The Standards for Harmonious Coexistence in Public and Private Schools had been introduced throughout the educational system. Every year, the Ministry issued a resolution calling on educators not to deny children without birth certificates access to schooling. Regrettably, despite considerable efforts, a few such children were still victims of discrimination for want of the proper documents.

33. **Ms. Sabino Pozo** (Dominican Republic) said that the Migration Act (No. 285-04), given constitutional status in 2010, had created a legal instrument that ensured that children born to foreign nationals residing illegally in the Dominican Republic were entitled to inclusion in the Civil Registry. Since 2007, the births of nearly 35,000 such children had been registered.

34. Constitutional Court ruling 168-13 and Naturalization Act No. 169 of 2014 should be considered jointly, given that the Act had been adopted in response to the ruling. The Act guaranteed the right to Dominican nationality for all children registered in the Civil Registry from 1999 to 2007, whose parents had been in an irregular situation or had held unrecognized identity documents at the time of the children's registration. Foreign-born parents who were entitled to Dominican nationality under Act No. 169 and who had not yet registered their children were also entitled to do so. Act No. 169 addressed an issue that had long been neglected in the country by establishing a regime allowing foreign nationals residing in the Dominican Republic in an irregular situation to apply for Dominican nationality while benefiting from legal guarantees.

35. **Mr. Padilla Vicioso** (Dominican Republic) said that a large portion of the national development strategy was devoted to strengthening and protecting the rights of children and adolescents, as evidenced by the target set in relation to early childhood. Other issues had not been dealt with as satisfactorily and would require specific planning, coordination and implementation. His delegation would provide further data in writing on the use of information and communications technologies by children. Efforts were being made to monitor the information made available to children. A campaign calling for the responsible use of such technologies had not been as successful as hoped but had at least provided a starting point by encouraging parents to give their children guidance and support regarding technology use.

36. The children's consultative councils had been meant to provide a forum for children's genuine participation in policymaking, and the resolution on their establishment had been adopted in response to the conclusions of the Twentieth Pan-American Child Congress. However, during subsequent consultations with a number of youth councils (ayuntamientos juveniles), the young people involved had expressed a preference for retaining those mechanisms rather than participating in the new councils. The National Council for Children and Adolescents (CONANI) therefore considered it preferable to encourage the grassroots organization of youth councils rather than attempt to impose a top-down approach in the form of children's consultative councils.

37. Many children participated in sports activities such as baseball, but studies had shown bullying to be a major problem in such activities. There was a need to work with the organizers of those activities to change practices that encouraged sexism, male chauvinism and other attitudes that undermined the rights of the child. Children's carnival celebrations also raised concerns about the sexualization of children and teenage pregnancy, and much work remained to be done in relation to leisure and cultural activities involving children.

38. The discrepancy in the figures provided on the participation of children in youth consultations organized by civil society compared with those organized by the Government was due to the fact that civil society organizations had conducted a survey with 5,000 youth participants, whereas the 600 children referred to in the periodic report had attended events enabling them to share their views directly. The two methodologies were distinct and thus could not be compared. Ten years earlier, CONADI had conducted a survey in which about 1.2 million children had participated by answering a number of questions about the kind of country they wanted in the future. The education system also organized a number of events on issues such as drug abuse, HIV/AIDS and the environment in which children participated and shared their views.

39. **Mr. Mezmur** said that he had been surprised to see no mention of the issue of statelessness in the State party's report, as it was a serious problem. He was concerned that the ongoing power play between the Constitutional Court of the Dominican Republic and the Inter-American Court of Human Rights was negatively affecting the rights of the child. In the light of article 8 of the Convention, he wished to know how Act No. 169 of 2014 would speedily restore the right to Dominican nationality for those children of Haitian descent who had been illegally deprived of that right.

40. **Ms. Winter** said that the issue referred to by Mr. Mezmur was affecting about 200,000 children in the State party and must be resolved quickly.

41. **Ms. Parsi** said that the Committee recognized the Government's efforts to provide social protection to families, and she asked about the current status of the draft family code and about the steps being taken to ensure that all sectors of society, including children, had a chance to contribute to discussions concerning the code. She asked what measures the Government was taking to adopt, in consultation with civil society, national regulations on the operation of residential institutions for children and to establish a monitoring mechanism to oversee the implementation of those regulations. She requested further information about the pilot programme for foster families. She wished to know how transparency and accountability were ensured in adoption procedures.

42. Noting a number of shortcomings in the education system, including high repetition rates and low enrolment rates in secondary schools, she wished to know to what extent the Extended Sessions programme was addressing those problems. She asked what efforts the Government was making to fully eliminate the practice of expelling pregnant girls from school and whether it had implemented a national, scientifically-based sexual education programme. Lastly, she asked what was being done to combat discrimination against students of Haitian origin in the education system.

43. **Ms. Oviedo Fierro** reiterated the Committee's concerns about the dispute between the Constitutional Court of the Dominican Republic and the Inter-American Court of Human Rights and asked how the Government would protect the right to nationality and birth registration for children of Haitian origin. She asked the delegation to comment on reports that civil society organizations that defended the rights of persons of Haitian origin were treated with hostility. She asked what measures were being taken to combat discrimination against persons of Haitian origin, women, and members of the lesbian, gay, bisexual and transgender community, as well as other marginalized groups.

44. She enquired whether the concordat signed between the Holy See and the Dominican Republic granted immunity before the courts to members of the clergy accused of paedophilia. She urged the Government to take legal action against the former papal nuncio to the Dominican Republic, who had been removed from the priesthood following accusations of child sexual abuse. There seemed to be a large discrepancy between the total number of children with disabilities in the country and the much smaller number of children with disabilities enrolled in the education system. The delegation's comments on that situation would be welcome. The data provided showed no improvement regarding maternal and infant mortality, despite the Committee's previous recommendations on the issue. She repeated the Committee's questions about clandestine abortions and criminal penalties imposed for abortion, which had not been answered.

45. She requested information specifically on those asylum cases that involved children and adolescents. She found it regrettable that the delegation had not provided the requested information on the more than 800 children allegedly deported in 2013. The information on the plan to combat child trafficking appeared to be identical to the information on the plan to combat violence; it was thus not clear to her what action was being taken to deal

specifically with trafficking. She requested further information on the increased punishments for adolescent offenders and on the anti-gang bill.

46. **Mr. Cardona Llorens** said that the Committee welcomed the legislative amendments made with a view to bringing national law into line with the Convention on the Rights of Persons with Disabilities but was concerned that those changes were not being properly implemented with respect to inclusive education for children with disabilities. He asked whether the State party planned to put an end to the segregation of children with disabilities in cultural and sporting activities.

47. **The Chairperson**, noting that maternal and infant mortality rates were high despite the fact that 97 per cent of deliveries took place in hospitals, asked how the Government planned to address that issue and requested independent data on maternal health, if available. She wished to know about any measures taken to promote exclusive breast-feeding and to discourage the early introduction of solid food.

48. **Ms. Al-Shehail** said she was concerned that efforts to promote sexual and reproductive health among adolescents and to prevent teenage pregnancy were suffering from a lack of coordination and from the strong influence of the Catholic Church. She wished to know the budget allocated for those efforts and requested information on any recent sexual and reproductive health programmes in schools. She requested further information about the Centre for Adolescent Substance Consumer Care and its impact.

49. She asked for information about the impact of the Solidarity Programme in recent years. Lastly, she asked what was being done to improve the quality of drinking water and thereby reduce the risk of epidemics of diseases such as cholera.

50. **Mr. Kotrane** said that national legislation on child labour did not seem to be fully in line with international standards, and he asked whether the State party planned to launch a more effective programme to address the various forms of child labour, including forced labour. He noted the reforms made with regard to juvenile justice but was concerned that they were not being effectively implemented. It seemed that many youth offenders were being placed in pretrial detention, in the course of which they were often subjected to violence and violations of their rights. He asked what the State party was doing to promote alternatives to custody for minors.

The meeting rose at 6.05 p.m.

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Committee on the Rights of the Child
Sixty-eighth session

Summary record (partial)* of the 1933rd (Chamber A) meeting
Held at the Palais Wilson, Geneva, on Tuesday, 13 January 2015, at 10 a.m.

Chairperson: Ms. Sandberg

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* No summary record was prepared for the rest of the meeting.

This record is subject to correction.

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The meeting was called to order at 10.05 a.m.

Consideration of reports of States parties (*continued*)

Initial report of Cambodia on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (continued) (CRC/C/OPAC/KHM/1; CRC/C/OPAC/KHM/Q/1 and Add.1)

Initial report of Cambodia on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (continued) (CRC/C/OPSC/KHM/1; CRC/C/OPSC/KHM/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Cambodia took places at the Committee table.*

2. **Mr. Ith** (Cambodia), responding to questions about the involvement of children in armed conflict raised at the previous day's meeting, said that the Law on the General Statutes for Military Personnel prohibited the recruitment by the armed forces of persons under the age of 18. The minimum age for enrolment in military school was 18 and prospective students must provide proof of age before their application was accepted. The number of births registered in the country remained low. Local authorities kept records on families living in their area, including information regarding age and date of birth. Any local official or private individual, including children, who was found to have falsified birth certificates or identity papers was subject to prosecution and punishment. Children affected by the armed conflict near the border with Thailand had been placed on a temporary basis in a national child protection centre where they received free health care, education and psychological support. More than 300 children had been housed by the centre in 2007.

3. **The Chairperson** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) expressed concern that the records of local authorities, rather than birth certificates, were used as proof of age for children wishing to enrol in military schools or join the armed forces. She requested an explanation of why children living on the Thai border wore military uniforms if they were not members of the armed forces.

4. **Mr. Gastaud** (Country Rapporteur for the Optional Protocol on the involvement of children in armed conflict) requested information on the number of persons, including children, convicted of falsifying birth certificates or identity documents in order to enrol in military school or join the armed forces.

5. **Mr. Ith** (Cambodia) said that children seen wearing military uniform on the Thai border were from local military families and wore the uniforms of their own accord. Since birth registration rates in some communities were still very low, the detailed records kept by local authorities containing the age and date of birth of each resident of the area were used as official proof of age in lieu of a birth certificate. As for the number of persons convicted of falsifying birth certificates or identity documents in order to enrol in military school or join the armed forces, since there had been no cases of children being recruited by the armed forces or enrolling in military schools, there had been no convictions of that nature.

6. **Mr. Madi** asked whether national legislation explicitly prohibited the recruitment of children by the armed forces or non-State armed groups. He also wondered why children from military families living near the Thai border should choose to wear military uniform, given that it placed them at grave risk of being mistaken for soldiers and attacked by foreign military forces. Lastly, he enquired whether the State party had established

extraterritorial jurisdiction over offences under the Optional Protocol on the involvement of children in armed conflict.

7. **Mr. Ith** (Cambodia) said that when children from military families living near the Thai border wore military uniform, it was to show their pride in their families' military achievements. The Government recognized that children living in conflict zones could be vulnerable to attack and worked in partnership with the local authorities and NGOs to evacuate at-risk children to safety during periods of unrest. All offences covered in the Optional Protocol in which Cambodian nationals were subject to extraterritorial jurisdiction.

8. In response to a question from **Mr. Gastaud**, he said that extraterritorial jurisdiction also extended to foreign nationals who committed offences against Cambodia nationals abroad.

9. **The Chairperson**, referring to the 30-day birth registration period, asked whether the Government intended to abolish the fines imposed for late registration.

10. **Ms. Chou** (Cambodia) said that a large number of persons had been left without official birth certificates or identity documents as a result of the policies of the Khmer Rouge regime. A national mobile registration campaign had been launched in 2004 in partnership with the local authorities to address the low birth registration rate. The Government had introduced the 30-day registration period to encourage parents to register their children as soon as possible after birth. Fines were used to induce them to do so, but low-income families without the means to pay could apply for financial support.

11. **The Chairperson** asked what steps had been taken to register children living on the streets.

12. **Ms. Chou** (Cambodia) said that at present, witnesses were required to vouch for the identity and age of children living on the streets, but the matter was to be addressed during the upcoming reform of the birth registration process.

13. **Mr. Madi** asked whether military schools and universities were run by the armed forces and whether students in those institutions received training in handling weapons. He also wished to know whether students were subject to military discipline and whether a complaints procedure accessible to children had been established in all military training establishments.

14. **Mr. Ith** (Cambodia) confirmed that military schools and universities were run by the armed forces. Since children were not admitted to military schools or universities, no mechanism had been established for children's complaints. Students must hold a bachelor degree to qualify for enrolment in military school or university, although members of the armed forces were also entitled to attend courses.

15. **The Chairperson**, noting that under the Optional Protocol, underage recruitment for the military must not only be prohibited but expressly criminalized, asked whether those responsible for the recruitment of children into the armed forces could be prosecuted and convicted under Cambodian law.

16. **Mr. Madi** asked whether the recruitment of children under the age of 15 was considered a war crime under Cambodian legislation.

17. **Mr. Ith** (Cambodia) said that the law prohibited the recruitment of children for the military. Under the Criminal Code, if a child was recruited on the basis of falsified paperwork, the person identified as responsible for the falsification was charged for that offence. If it was established that the person who had recruited the child had known that the documents were falsified, he or she was charged as an accomplice. There were no cases of children under the age of 15 being recruited to serve in the armed forces in Cambodia. Although no specific provisions criminalized the recruitment of children, setting up an

armed group unlawfully was a criminal offence, and the recruitment of children to serve in the military, which was illegal, would fall into that category.

18. **The Chairperson** asked whether that was an established interpretation of the legislation; the Committee would prefer a more explicit criminalization of underage recruitment.

19. **Mr. Ith** (Cambodia) said that as there had not been any such cases in practice, Cambodia did not have any experience with the use of that interpretation.

20. **Mr Gastaud**, referring to the large quantity of unexploded ordnance still present in Cambodia, asked whether mine action programmes had been suspended or cut back, as certain sources had suggested, and what was being done to raise awareness among children living in mine-affected areas of the dangers there.

21. **Mr. Ith** (Cambodia) said that demining operations continued to be conducted in high-risk areas and remained a priority. The Ministry of Social Affairs ran over 200 centres for victims of the armed conflict, including rehabilitation and education centres for persons with war-related disabilities, some of whom were children. A Government decree on reviewing the services those centres provided was in the drafting stage. The Government was also working to ensure compliance with the legislation on the rights of persons with disabilities, which encompassed persons injured by war. To that end it had introduced a policy that enhanced work opportunities by establishing a minimum quota of 2 per cent for persons with disabilities in government service.

22. **Mr. Gastaud** asked whether a timetable for mine clearance, setting dates by which specific regions should be mine free, had been drawn up, and how mine action programmes were funded.

23. **Mr. Ith** (Cambodia) said that the Government was committed to clearing all areas in which there was a high mine concentration so that agricultural production could recommence. In addition to their domestic clearance activities, the country's demining units made significant contributions to international demining efforts: for example, a detachment of Cambodian troops had recently been sent to join the United Nations peacekeeping mission in South Sudan.

24. Awareness-raising activities were also continuing. In 2014, over 300 persons employed by the Cambodian Mine Action Centre and more than 200 volunteers had received mine risk education and were now prepared to travel to mine-affected areas and pass on their knowledge to local communities. Those activities were actively supported by local authorities. Around 1,500 households had benefited from them to date.

25. **Mr. Men** (Cambodia) said that the Disability Action Council had formulated a national plan for the rehabilitation of persons with disabilities, 2014–2018, that facilitated access to social services and offered incentives for employers. The Government was also striving to increase the availability of prosthetic devices, and around 700 devices has been produced so far – a testimony to its commitment to addressing the practical aspects of disability and rehabilitation.

26. **The Chairperson** said that the programmes and measures described appeared to be of a general rather than child-specific nature: information about specifically child-friendly rehabilitation and education initiatives was needed.

27. **Mr. Ith** (Cambodia) said that the awareness-raising programmes were designed to be child-friendly and had been incorporated in school curricula. There was a dedicated school for children with disabilities that provided vocational as well as academic education so as to develop the skills necessary to enhance the children's future employment possibilities.

28. **The Chairperson** asked what was being done to achieve compliance with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (the Paris Principles); to guarantee the autonomy of the Cambodian Human Rights Committee; and to extend the Committee's mandate to all human rights violations, including those addressed under the two Optional Protocols.

29. **Mr. Ith** (Cambodia) acknowledged that a fully independent national human rights institution was still lacking, even though human rights commissions had been established in the Senate and the National Assembly. The Government was committed to rectifying that gap, and a multisectoral working group had been established to prepare the relevant legislation. Initial drafts had been submitted to NGOs for comment and discussed with Government agencies. The mandate of the institution ultimately created would extend to all human rights issues, including offences under the two optional protocols.

30. **The Chairperson** expressed concern about out-of-school migrant children who were left alone while their parents worked and children who were left with their grandparents and forced to work to support them. The situation of such children made them particularly vulnerable to offences under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. It was also worrying that the vast majority of the Ministry of Social Affairs' budget went to veterans, while only 1 per cent was allocated to projects for women and children. Moreover, court screening and videoconferencing were little used in cases involving children, due to lack of familiarity or of technical expertise. She would like to know what action was being taken to address those deficiencies. Citing reports of the misinterpretation of legislation by law enforcement officials, she also sought assurances that children involved in prostitution were treated as victims and not as offenders, as the law intended. Lastly, she asked whether the State party was aware of the problems associated with orphanage tourism and what it was doing to ensure that institutionalized children were not exploited or abused by visiting travellers.

The meeting was suspended at 11.15 and resumed at 11.40.

31. **Mr. Ith** said that a number of community-based programmes had been established, under which the competent authorities and the local population joined forces to protect vulnerable children, such as those of migrant parents. Supporting and protecting children was also a key mandate of the local councils for women and children established throughout the country. Additionally, under a pilot project in selected provinces, community-based child protection networks brought children together in defending themselves against the risk of trafficking and abuse within their communities.

32. The use of videoconferencing and partitions in court cases involving children was being piloted thanks to support from the United Nations Children's Fund (UNICEF), but there was no legal requirement to use such mechanisms. The pilot would yield invaluable information to feed into the subsequent development of policy and legislative initiatives, including the law on juvenile justice which was currently in the drafting stage. Alongside the lack of clear instructions, the main obstacles to effective use of modern technologies in courts were insufficient technical expertise and maintenance; in some cases, staff were simply unable to resolve equipment malfunctions. Despite the challenges, the authorities were committed to maximizing the use of child-friendly procedures in court cases.

33. Although children involved in prostitution were considered under Cambodian law to be victims, not offenders, on the basis of certain legislative provisions dealing with procurement, a minor involved in roadside solicitation might be charged with disturbing public order and fined accordingly. In practice, no child had ever been arrested for an offence of that kind and educational measures were always the preferred response.

34. The Government recognized the need for increased budget allocations to social welfare for children and was committed to maximizing available resources to ensure that children could realize their full potential. Increased programme-based funding was envisaged from 2016 onwards.

35. **Mr. Men** (Cambodia) said it was true that tourists visited orphanages and sometimes committed offences there. The Ministry of Social Affairs had signed memorandums of understanding with more than 200 orphanages, both those operated by NGOs and government-run centres, and was making efforts to do so with all orphanages. It was strictly enforcing the minimum standards on alternative care, and all orphanages were inspected to ensure that they had the capacity to offer all the services and support needed. The Ministry had recently closed down 11 centres that had failed to comply with the minimum standards. It was in the process of drafting two decrees, on the management of orphanages and the provision of support to children in government-run centres, which it hoped would come into effect in 2015 to help protect children from violations. With regard to the recent incident involving an orphanage in the Siem Reap province, the Ministry had worked with the local authorities to close down that facility. In cooperation with UNICEF, the Ministry of Social Affairs had developed a programme for the removal of children from orphanages and their reintegration into the community. The Government was cooperating with 141 NGOs that operated programmes in the country to mobilize resources for the social welfare sector.

36. **The Chairperson** asked whether the memorandums of understanding with orphanages covered the use of foreign volunteers, some of whom might have ulterior motives for doing voluntary work with children. She asked how unregistered orphanages were dealt with and what efforts were made to ensure that they also complied with the minimum standards.

37. In response to a question from **Mr. Gastaud**, **Mr. Ith** (Cambodia) said that the draft law on juvenile justice defined procedures for cases involving child offenders and provided for a programme to protect juvenile offenders and direct them towards community-based services, minimizing their appearances in the courts, which were seen as a last resort.

38. **Mr. Men** (Cambodia) said that the Ministry of Social Affairs paid close attention to the problem of tourists who might have ulterior motives for volunteering at Cambodian orphanages. The teams that conducted inspections prior to the conclusion of memorandums of understanding thoroughly examined NGO-run orphanages to ensure that they complied with all the policies and laws of Cambodia and had been established out of a genuine desire to help children. The existing memorandums of understanding were also being reviewed to ensure that the institutions in question continued to comply with requirements. Provincial teams were in place nationwide to carry out inspections, in cooperation with the central technical team and the local authorities. Unregistered institutions could be suspended or shut down if they failed to comply with minimum standards.

39. **The Chairperson** asked whether efforts were being made to increase the capacity of social services to cope with the problem.

40. **Mr. Men** (Cambodia) said that additional resources were being allocated and the number of staff had been increased. In addition to all relevant staff being invited to participate in capacity-building activities at the central level, activities were also being conducted in all the provinces, and technical staff provided mentoring and on-site training.

41. **The Chairperson**, (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) thanked the delegation for the constructive and frank dialogue and commended the State party for the work it was doing on the issues under the Optional Protocol. The State party appeared to be very much aware of the challenges it faced in dealing with sexual and orphanage tourism, although a lack of

resources appeared to hinder some efforts. The key was to ensure the implementation of the legislation and programmes put in place.

42. **Mr. Gastaud** (Country Rapporteur for the Optional Protocol on the involvement of children in armed conflict) thanked the delegation for the spirit of cooperation in which it had approached the dialogue. The Committee acknowledged the progress made in a number of areas, such as setting the age for military recruitment at 18. However, a number of concerns remained, such as demining. He encouraged the State party to strengthen its efforts in terms of legal, financial and human resources.

43. **Mr. Ith** (Cambodia) said that, although progress had been made in prohibiting the direct or indirect participation of children in the armed forces, and the Government strove to ensure a safe environment for children, it recognized the need to afford children greater legal protection in some areas, for example against child pornography. He thanked all the institutions that cooperated with the Government in that area, especially UNICEF, and expressed the hope that they would continue to support the Government's efforts to uphold children's rights, particularly in respect of social welfare, education and health. The State party would welcome the Committee's constructive suggestions and recommendations.

The discussion covered in the summary record ended at 12.25 p.m.

United Nations CRC/C/SR.1934

Convention on the Rights of the Child

Distr.: General
27 January 2015

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Committee on the Rights of the Child
Sixty-eighth session

Summary record of the 1934th (Chamber B) meeting
Held at the Palais Wilson, Geneva, on Tuesday, 13 January 2015, at 10 a.m.

Chairperson: Ms. Wijemanne (Vice-Chairperson)

Contents

Consideration of reports of States parties (*continued*)

Combined third to fifth periodic reports of the Dominican Republic (continued)

This record is subject to correction.

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.15-00408 (E) 150115 270115

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The meeting was called to order at 10.05 a.m.

Consideration of reports by States parties (*continued*)

Combined third to fifth periodic reports of the Dominican Republic (continued) (CRC/C/DOM/3-5; CRC/C/DOM/Q/3-5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of the Dominican Republic resumed places at the Committee table.*

2. **Ms. Winter** asked whether there were any plans to safeguard the rights of child victims and witnesses during legal proceedings. What steps were being taken by the Commission for the Execution of Juvenile Justice (CEJNA) to protect children and young people in institutions from bullying and violence? Why had so few people been tried and sentenced in 2014 for the trafficking, abuse and sexual exploitation of children? Were there any plans to ensure that swifter action was taken to combat those scourges? Had the results of the survey of child migration been published as an official document by the National Council for Children and Adolescents (CONANI)? What was the reason for the lack of progress in implementing the strategy to reduce the number of street children? Were any measures being contemplated to ensure that the 62 per cent of working children who were not attending school, did go to school? She wished to know whether any steps were planned to clarify the responsibilities of the Ministry of Public Health and the Attorney-General's Office with regard to children in custody. Were any plans in place to counter overcrowding and deficiencies in the infrastructure of the juvenile justice system and to prevent the use of force by the specialized judicial police in those centres?

3. **Mr. Mezmur** enquired as to the impact of the Solidarity Programme and other social programmes on preserving the family environment and ensuring that children were not separated from their parents, especially prior to deportation to their countries of origin. What measures were being taken to address the lack of national standards governing the care of children in institutions and to build the capacity of CONANI to supervise the institutions in which children were placed? What progress had been made towards improving coordination between the government bodies that oversaw intracountry adoption and amending the relevant clauses of Act No. 136-03?

4. **Ms. Oviedo Fierro** (Country Rapporteur) asked what action was being taken to prevent the spread of HIV/AIDS among young people and to disseminate the rights of children in the Dominican Republic. She requested more data about measures to assist girls who had become pregnant as a result of rape. What was the minimum age of sexual consent? What line was drawn between sexual violence and sexual aggression? It appeared that the laws in question were poorly implemented and that international guidelines on the subject were ignored.

5. **The Chairperson** said she wished to know whether young people had widespread access to reproductive health services and contraception and whether girls could obtain therapeutic abortion after rape.

6. **Ms. Sabino Pozo** (Dominican Republic) said that although only 41 per cent of hospital births had been registered in 2002, the opening of civil registry offices in four of the largest maternity hospitals in the country in 2013 had led to a significant improvement in the timely registration of births. A fifth such office would be opened in March 2015. It was hoped that 85 per cent of all hospital births, which currently accounted for 98 per cent of the total number of births, would be registered automatically by 2016.

7. Under Act No. 136-03, juvenile courts could permit exceptions to the minimum age of marriage. This was because in the Dominican Republic girls tended to have consensual

sexual intercourse and therefore to become pregnant at an early age. It would be necessary to conduct a sociological survey into the reasons for that situation.

8. **The Chairperson** drew attention to the fact that allowing girls under the age of 15 years to marry was not in keeping with the State party's policy decision to deem anyone under the age of 18 years a child. Lowering the age of marriage was tantamount to condoning child marriage. Girls who had sexual relations needed to have access to contraceptive services in order to avoid teenage pregnancy. An in-depth analysis should also be made of the reasons for sexual violence, which was a criminal offence.

9. **Ms. Sabino Pozo** (Dominican Republic) said that in her country, most girls had entered into a sexual relationship before marriage. Awareness campaigns were therefore being run to warn girls about the dangers of underage sex and early pregnancy. The health authorities had set up a special unit to cater for girls who were pregnant.

10. **Mr. Cardona Llorens** wished to know what measures had been adopted in the educational system to provide young people with sex education and information about reproductive health in order to reduce the incidence of teenage pregnancy.

11. **Mr. Padilla Vicioso** (Dominican Republic) wondered whether the late submission of his Government's replies to the list of issues had made it impossible for the Committee to study the data and information provided therein.

12. No Haitian children in the Dominican Republic were stateless, because the country's laws contained provisions to avoid that situation and also because article 11 of the Haitian Constitution provided that any child born of a Haitian mother or father had Haitian nationality, irrespective of their place of birth. Furthermore his country had a plan for the regularization of nationality. According to the latest census, illegal migrants on Dominican soil came not only from Haiti but from some 80 countries.

13. In connection with statelessness, he emphasized that the Dominican Constitutional Court exercised sovereign jurisdiction and had stated its reasons for declaring the ruling of the Inter-American Court of Human Rights unconstitutional in the case mentioned by Mr. Mezmur at the 1932nd meeting. He referred the members of the Committee to the statement made by his country's Ministry of Foreign Affairs to the Office of the United Nations High Commissioner for Refugees regarding the subject of statelessness, and to the proceedings of the Hispaniola 2014 conference, held in Oslo in September 2014.

14. The relationship between Haiti and the Dominican Republic was unique, owing to the fact that they shared an island. No country had shown greater solidarity with Haiti after the earthquake in 2010. CONANI had cared for some 100 seriously injured children. No maternity hospital in his country had failed to provide treatment for Haitian mothers who had crossed the border in order to give birth, although it had not been possible to register some of those births because the parents lacked identity documents.

15. The replies to the list of issues contained disaggregated data on the numbers of persons who had benefited from the various components of the Solidarity Programme. For example, some 8,000 families had been covered by a literacy drive. As it had been realized that street children were often forced to beg at the behest of the Haitian mafia, paternity tests had been conducted to ensure that those children could be removed from the control of persons who were not their parents. As it had been impossible to locate the families of some of those children, they had been placed in homes run by CONANI.

16. Detailed information on measures to combat the sexual exploitation and abuse of children and young people was provided on pages 16 to 18 of the replies to the list of issues.

17. In reply to the question about the participation of young people in civic life, he explained that some 2,400 children had taken part in an open democratic process to elect their representatives to youth councils between 2012 and 2014.

18. An allowance of 150 pesos per child was given to the mothers of poor families with two or three children, in order to encourage them to send their children to school. The introduction of sex education at school was problematic, and religious considerations did play a role. For that reason, an attempt was being made, with the assistance of civil society organizations and the United Nations Children's Fund (UNICEF), to formulate a proposal on the inclusion of sex education in the curriculum. As for combating sexual violence, much would depend on the success of the Road Map for dealing with the issue of violence as a whole. In the past four years, more classrooms had been built than in the previous three decades. Teacher training and teachers' wages had been improved.

19. He referred to section 18 of the replies to the list of issues and the annexes thereto, which showed that there was no evidence that Haitian children or young people had been deported from the Dominican Republic. If adults' applications for asylum were rejected, that would of course have repercussions for their children.

20. **Ms. Winter** explained that the Committee wished to know whether the Dominican Republic had duly clarified the conditions of deportation with the receiving State in the case in question.

21. **Ms. Oviedo Fierro**, with reference to a statement made earlier by the delegation, said that the Committee had in fact examined the State party's replies to the list of issues carefully. In connection with the issue of children whose resident status was unresolved because their parents were in an irregular situation, she said that they needed to be better protected. While the Committee acknowledged that there were obstacles to providing such protection, the current arrangements were not satisfactory.

22. **Mr. Padilla Vicioso** (Dominican Republic) said, in reply to Ms. Winter's request for clarification of conditions for deportation to Haiti, that it was very difficult to work with the Government of Haiti. The Dominican Republic did not have an institutional counterpart in that country with which it could cooperate on the matter.

23. With regard to the institutionalization of children, sometimes that was the best available option. In 2011 a census conducted by CONANI had identified more than 5,000 institutionalized children in the country. Most of the host establishments, although reliant on foreign sponsors, unfortunately did not have a rights-based approach to care. CONANI had established a monitoring department to oversee the matter. Foster care was being piloted as an alternative to institutionalization in a small number of cases. As fostering was not common practice in his country, a nationwide pilot would have been risky. Two adolescents with disabilities would be included in the pilot.

24. Turning to other issues, he said that his country's adoption procedures were in line with international standards. His Government had recently established a centre to help street children with drug addictions, which had handled 122 cases to date. Children admitted to the centre lived there until their families were located, after which they continued to receive therapy and other social support. Although schools did tend to expel pregnant girls, the Ministry of Education had instructed them to discontinue that practice. Awareness campaigns to combat domestic violence, including against children, had been conducted, but further efforts were needed. The institution responsible for assisting persons with disabilities was being overhauled to better respond to the needs of children with disabilities and a service for children with autism or other disabilities had been established in Santo Domingo.

25. In conclusion, he underscored that his Government was investing increasing effort and resources in helping children and that, despite numerous challenges, the future for Dominican children seemed brighter than before.

26. **Mr. Cardona Llorens** said that children with disabilities needed to be integrated into mainstream education to the extent possible. The Committee had repeatedly expressed concerns regarding the segregation of such children in the State party's school system, yet the information provided by the delegation suggested that such segregation persisted.

27. **Mr. Padilla Vicioso** (Dominican Republic) said that the special centres being created for children with disabilities were health centres, not education centres. While his Government was taking action to integrate children with disabilities into the educational system, it was difficult to integrate children with severe disabilities. The overall situation had nevertheless improved; during the 2009/10 school year, more than 10,000 children with disabilities had attended mainstream schools.

28. **Ms. Oviedo Fierro** pointed out that if, as indicated earlier, there were more than 73,000 children with disabilities in the Dominican Republic, and if some 10,000 of them were enrolled in regular schools, that meant that only 13 or 14 per cent of such children were attending school.

29. **Mr. Mezmur** asked whether the State party had plans to expedite the recognition of Dominican citizenship for persons categorized under groups A and B of the four groups mentioned in paragraph 27 of the replies to the list of issues. The fact that some had successfully navigated the process did not mean that the difficulties of the remaining th asands had been resolved.

30. **Ms. Al-Shehail**, citing reports that 72 per cent of drinking water samples in the Dominican Republic contained high levels of bacte a, asked what was being done to improve the quality of drinking water and contain the risk of waterborne epidemic diseases.

31. **The Chairperson**, speaking as a member of the Committee, said that the Committee had received reports that the use of child labour persisted, mainly in the informal economy. She asked whether the State party was working with the International Labour Organization or other relevant bodies to tackle the problem. Regarding juvenile justice, she asked whether there were alternative penalties for children, with detention a last resort; whether measures were in place to protect children and safeguard their rights during legal proceedings and detention; and whether incarcerated children were separated from adult prisoners.

32. **Ms. Winter** asked whether measures were in place to penalize judges for exceeding the legal time limits for holding children in detention, including pretrial detention.

33. **Mr. Padilla Vicioso** (Dominican Republic) said in reply to a question raised at the 1932nd meeting that the anti-gang bill had been withdrawn because it did not comply with the provisions of the Convention.

34. **Ms. Oviedo Fierro** said that she would raise some issues contained in the list of issues that remained to be addressed by the delegation. The Committee had learned from a human rights organization in 2012 that Dominican families "adopted" Haitian children so that they could perform domestic work; the State party needed to investigate that practice, which seemed to be increasingly prevalent in the region.

35. She asked why the State party had not appointed an assistant ombudsman for children and youth, and whether it intended to do so. What role did civil society play in the ongoing discussion on a family code, and how were children's views taken into account?

The meeting was suspended at 11.35 a.m. and resumed at 12.05 p.m.

36. **Ms. Oviedo Fierro** emphasized that some of the questions she would ask had been raised in the list of issues but remained to be addressed by the delegation. Expressing concern about the high mortality rate associated with abortion among adolescent girls, she asked what the State party was doing to tackle that problem and the issue of teenage pregnancy in general.

37. She asked how the State party intended to bring its legislation concerning the minimum working age into line with international standards and raise the age from 14 to 15 years. Similarly, what steps were being taken to ensure that the minimum age for marriage was established as 15 years in the national legislation, in line with international standards? How was coverage of human rights and gender equality being incorporated into school curricula? How did the State party ensure that all children living in prison because their mothers were incarcerated could benefit from early education?

38. **The Chairperson**, speaking as a member of the Committee, asked what action the State party was taking to tackle the infant mortality rate. Noting that exclusive breastfeeding rates were very low in the Dominican Republic, she asked whether there were plans to improve that situation – for example, by explaining the importance of exclusive breastfeeding during the first months of life and controlling the marketing and distribution of infant formula.

39. **Ms. Sabino Pozo** (Dominican Republic), replying to a question about disciplinary proceedings directed at judges, said that the Supreme Court of Justice had a disciplinary council tasked with investigating complaints. Possible penalties included suspension or removal from the bench.

40. The central electoral office was responsible for resolving problems raised by Act No. 169-14 concerning the registration of births of children born to foreigners in an irregular situation. The status of many individuals had already been regularized, and her Government expected to complete the process for all those concerned within the coming months.

41. **Mr. Padilla Vicioso** (Dominican Republic) said that the Government had adopted a humanitarian approach to dealing with applicants for Dominican nationality categorized as belonging to Group B under Act No. 169-14. As part of that approach, it had developed and put in place procedures to implement the Act in accordance with relevant international principles, taking into account the views of various civil society organizations. The original deadline for applications had recently been extended in order to allow for the submission of additional documents, where necessary.

42. The question of trafficking across the border with Haiti was difficult to tackle. One of the major difficulties was that no body in that country was specifically authorized to address the matter on a bilateral basis. Nevertheless, the two Governments had made progress in joint discussions held on the subject over the previous two years, and it was hoped that a protocol on trafficking that had been developed by his Government would be implemented in due course with the cooperation of the Haitian authorities. In the meantime, CONANI was working with UNICEF to deliver training for border police, with a focus on providing protection for child and adolescent victims of trafficking.

43. In response to a question about the employment of school-age children, he said that the Government had introduced a number of social policy measures designed to combat the worst forms of child labour. One such initiative was the school attendance incentive, under which cash payments were made to households with the aim of helping families to keep children in school. In addition, the Ministry of Labour had established provincial committees on the prevention of child labour, made up of local officials and civil society representatives, that addressed the specific needs of the children in the geographic areas for which they were responsible.

44. With respect to the juvenile criminal justice system, he said that minors under the age of 18 years were held separately from adults in detention facilities. While it was indeed the case that one or two detention centres remained under the authority of the Ministry of Health, discussions were under way to ensure that they were transferred to the jurisdiction of the Attorney General's Office, the body normally responsible for prisons. Qualitative research had been conducted on the conditions under which juveniles were held in places of deprivation of liberty; a number of measures had already been introduced and others were planned to address the shortcomings that had been identified. For instance, steps had been taken to strengthen the capacity of professionals working with children in conflict with the law, and plans were being developed to bring detention facilities fully into line with national legislation and the Convention on the Rights of the Child. Replying to a question that had been raised about possible amendments to Act No. 136-03, he said that although the Government currently had no plans in that regard, it would have to substantially revise the Act if proposals for a new family code, which were currently being considered by Congress, were adopted.

45. Now that the Ombudsman's Office was fully operational, consideration was being given to the establishment of an ombudsman for children and adolescents.

46. With respect to a question raised at the 1932nd meeting regarding maternal health and breastfeeding, he said that he would provide the Committee with a copy of the document received from the ministry concerned detailing government efforts in those areas, including information on the establishment of a maternal milk bank and the implementation of a plan to reduce vertical transmission of HIV/AIDS.

47. **The Chairperson**, speaking in her capacity as a member of the Committee, said that, while milk banks performed a useful function in certain specific instances, government action should focus primarily on encouraging breastfeeding.

48. **Mr. Padilla Vicioso** (Dominican Republic) said that the promotion of breastfeeding was a priority area for the Government and emphasized that the establishment of milk banks was a complementary measure.

49. With regard to the case to which Ms. Oviedo Fierro had referred, involving a child from Haiti engaged in domestic work in a Dominican household, he said that the National Council for Children and Adolescents had taken no action because it had received no complaint regarding the individual concerned. As the Council could only act upon reports submitted to it, human rights organizations should be encouraged to bring such cases to its attention so that it could undertake the necessary investigations and take remedial action, as appropriate.

50. Replying to a question asked at the 1932nd meeting about telephone helplines, he said that the Government, acting upon a recommendation made by the Committee in its previous concluding observations (CRC/C/DOM/CO/2), had established a 24-hour helpline (911) covering the capital and the surrounding region. The services provided by the helpline were due to be extended in 2015, with the incorporation into the system of a comprehensive database that would enable operators to direct children requiring emergency assistance to the most appropriate care provider. In view of the scheme's success, plans were being prepared to roll it out progressively across the country.

51. With regard to the rights of lesbian, gay, bisexual and transgender people, he said that the Constitution enshrined the principle of non-discrimination on any grounds. However, further implementing legislation in that regard remained to be enacted, and procedures remained to be introduced or strengthened where appropriate to deal with violations of citizens' rights. No cases of discrimination on the basis of sexual orientation had been reported within the education system. However, it was possible that bullying in schools was, in some instances, related to situations involving the sexual orientation of

pupils. Therefore, the Ministry of Education was conducting a range of awareness-raising and prevention campaigns on those issues in schools throughout the country.

52. Turning to the question raised concerning proceedings against two priests allegedly involved in the sexual abuse of children, he said that the matter had an international dimension, since the priests in question were both Polish nationals. However, the two cases were being dealt with differently because one of the priests involved was an ordinary Polish citizen whereas the other had diplomatic status, as a representative of the Holy See. Both cases were being actively pursued by the Government through bilateral contacts with the competent authorities in the two States concerned. However, the lack of an extradition treaty with Poland was an obstacle to the swift resolution of one of the cases.

53. **Ms. Oviedo Fierro** thanked the delegation for its comprehensive replies. She said that in its concluding observations the Committee would, among other things, call on the State party to continue making progress with respect to a number of issues, notably the question of persons of Haitian origin and the restoration of the rights of victims of trafficking, violence and sexual exploitation. Furthermore, in view of the likely growth of tourism in the State party, the Government should give consideration to building the capacity of professionals working in that sector to protect children from sexual exploitation.

54. **Mr. Padilla Vicioso** (Dominican Republic) thanked the Committee warmly for its assistance and suggestions. He reiterated his Government's strong commitment to acting upon the Committee's recommendations and to further strengthening implementation of the Convention.

The meeting rose at 1.05 p.m.

United Nations CRC/C/SR.1935

Convention on the Rights of the Child

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Committee on the Rights of the Child
Sixty-eighth session

Summary record of the 1935th (Chamber A) meeting
Held at the Palais Wilson, Geneva, on Tuesday, 13 January 2015, at 3 p.m.

Chairperson: Ms. Sandberg

Contents

Consideration of reports of States parties (*continued*)

Combined second to fourth periodic reports of Turkmenistan

This record is subject to correction.

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The meeting was called to order at 3 p.m.

Consideration of reports of States parties (*continued*)

Combined second to fourth periodic reports of Turkmenistan (CRC/C/TKM/2-4; CRC/C/TKM/Q/2-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Turkmenistan took places at the Committee table.*

2. **Ms. Amanniyazova** (Turkmenistan), introducing her country's combined second to fourth periodic reports (CRC/C/TKM/2-4), said that, since the submission of the initial report in 2006, the President of Turkmenistan had made some of the issues under the Convention a national priority. All citizens, without exception, had access to gas, electricity and drinking water, and efforts were being made to provide grants and subsidies for a range of goods and services. Families with children could also benefit from assistance in kind and tax relief as part of a package of measures introduced by the Government.

3. Under the National Plan of Action for Children, which was being drafted in cooperation with the United Nations Children's Fund (UNICEF), a national programme on early child development and preparing children for school had been adopted for the period 2011–2015. On 1 June 2012, a decree had been issued approving a programme to develop the juvenile justice system, and on 3 May 2014, the revised Act on State Guarantees of the Rights of the Child had been approved by parliament.

4. The amount of State funding allocated to the sociocultural sphere had increased by 15 per cent in 2014, with a further 9.5 per cent rise planned for 2015. On 1 March 2014, a new budgetary code had been adopted, marking the beginning of a shift towards a more decentralized budget model.

5. In December 2014, a law had been adopted to regulate the development and provision of Internet services in Turkmenistan, establishing the right of citizens to equal and non-discriminatory access to the Internet. Between 2007 and 2014, the percentage of Internet users in the country had increased from 0.09 to 62.1 per cent.

6. In order to ensure high-quality medical care, there were approved standards for the diagnosis and treatment of numerous diseases, and an obligatory certification system had been introduced to enhance the credentials of persons holding medical and pharmaceutical qualifications. Plans and programmes had been adopted to combat HIV infection, improve reproductive health and increase access to clean drinking water through the expansion of the water supply and sewage networks and the construction of water purification plants. As a result, and with the use of vaccinations for vulnerable population groups, the incidence of hepatitis A and dysentery had fallen considerably since 2000. Significant progress had also been made in reducing the incidence of disease in children living in the Daşoguz Region. Moreover, in 2011, approval had been given to a draft national plan of action to alleviate climate change for the period 2015–2020.

7. Under the revised Education Act of 4 May 2013, facilities had been installed in schools to ensure greater access to inclusive education for children with disabilities. An initiative had also been launched to promote inclusive education by awarding child-friendly status to schools that satisfied the relevant criteria. Turkmen students had won medals in many prestigious international Olympiads, and faculties had been established in Ashgabat and other parts of the country to enhance teacher training. Pursuant to article 22 of the Act on State Guarantees of the Rights of the Child, children had a right of access to leisure, recreation and convalescence. Consequently, several convalescent children's homes had been opened and a plan of activities had been drawn up and approved for each of them.

8. In the area of justice, the adoption of a code of administrative offences in August 2013 had helped strengthen the protection of minors' rights, and between 2010 and 2014 there had been a decrease in the proportion of crimes committed by minors. Since achieving independence in 1991, Turkmenistan had not been involved in any military conflicts, and did not have specific regulations for the protection of children during armed conflicts. Specialized secondary-level facilities had been established to offer military preparation courses for male children aged 14 and over.

9. Turkmenistan was a permanent member of the Executive Committee of the High Commissioner's Programme and had become a member State of the International Organization for Migration in 2013. Child refugees who had participated in armed conflict in their country of permanent residence received psychological assistance from the Turkmen authorities. Since 2011, there had been no recorded cases of child trafficking or production or distribution of child pornography. Nevertheless, the Government was in the process of developing a national plan of action to combat human trafficking for the period 2016–2020.

10. **Ms. Aldoseri** (Country Rapporteur), noting that, under Turkmen law, a child was defined as a person below the age of 18, asked why children with disabilities could claim disability allowance only up to the age of 16. She requested information on the consequences of statelessness for ethnic minority children, particularly those who had been born in Turkmenistan and had lived there for many years, and asked whether the revised Citizenship Act addressed the issue fully.

11. She asked what steps had been taken to ensure that children could access information from all sources, including the Internet, and invited the delegation to comment on reports that, in September 2014, unexplained disruptions and shutdowns had affected Internet access in Turkmenistan. The delegation should also indicate what opportunities children were given to exercise their freedom of expression, particularly in relation to matters concerning them, and whether teachers were trained to provide such opportunities.

12. She enquired about the Government's efforts to contain and prevent the damaging effects of the Aral Sea crisis on children living nearby, and to reduce the high infant and maternal mortality rates in the Daşoguz Region, where 3 out of 12 mothers and 5 out of 12 newborn babies had reportedly died in a municipal hospital in the space of a week in August 2013. She also wished to know what had been done to check the rise in deaths from cancer, on which no official statistics were available and no focused studies had been conducted.

13. Noting that, although corporal punishment was prohibited by the Act on State Guarantees of the Rights of the Child and the Family Code of 2012, the practice persisted in homes and in schools, she asked what steps had been taken to enforce the law in all settings.

14. Lastly, while commending amendments to the Criminal Code to bring the definition of torture into line with that provided in article 1 of the Convention against Torture, she noted that there had been reports of torture and ill-treatment in detention centres and that adequate complaints mechanisms had not been set up. With that in mind, the delegation should explain what measures had been taken to address the situation and criminalize acts of torture.

15. **Ms. Khazova** (Country Rapporteur) welcomed the significant progress that had been achieved in Turkmenistan in the field of children's rights, due in no small part to the adoption of a long list of laws. She said that the Committee remained concerned, however, that legislation was not always readily accessible to the public. According to some sources, minor laws were sometimes not published and the texts of the international treaties to which Turkmenistan had acceded could be consulted only in the library of the Ministry of

Justice, access to which was very limited. She invited the delegation to comment on the matter.

16. She enquired about the status of the National Plan of Action for Children. Given that a draft had apparently been ready as early as 2010, she wished to know why the Plan had not yet been adopted, and whether it was likely to be adopted in the near future. Noting that an interdepartmental commission had been created to ensure compliance with international human rights obligations, she asked whether a special body would be set up to monitor the implementation of the Convention and measures in favour of children's rights in particular. With regard to the State budget for the sociocultural sphere, she asked how expenditure was monitored and whether there were clear budget lines for children's needs.

17. She wished to know why government data, particularly disaggregated data, were practically inaccessible, and whether there were plans to rectify the situation. In that connection, the delegation should explain why the most recent census conducted in Turkmenistan had not been published.

18. She also wished to know the extent to which the principle of the best interests of the child was applied in practice, particularly by courts, and whether the child's opinion regarding custody was ascertained in the context of divorce proceedings. Noting the existence of a rule requiring judges to ascertain the opinion of children aged 10 and above in matters concerning them, she asked whether the opinion of children below the age of 10 was not taken into account, and pointed out that the Convention did not set a minimum age. The delegation should also describe any steps taken to overcome outdated stereotypes that continued to restrict children's freedom of opinion and expression. Lastly, she asked whether efforts had been made to raise awareness among current and prospective foster parents of the importance of open adoption, despite the strict confidentiality laws applicable to officials involved in adoption proceedings.

19. **Mr. Nogueira Neto** asked what measures had been taken with regard to the rights of children to privacy and freedom of thought, conscience and religion. In the context of the ongoing educational reforms in the State party, he wished to know how such rights would be covered in future laws, particularly those related to the school environment.

The meeting was suspended at 3.50 p.m. and resumed at 4.20 p.m.

20. **Ms. Amanniyazova** (Turkmenistan) said that over three quarters of the education budget was allocated to preschool, primary and general secondary education and that it was the parliament that monitored how public funds were spent. Experts were preparing a strategic budget for children's affairs, which would take into account aspects of the Convention, and local authorities were receiving training on the importance of providing sufficient funds for children's issues. Statistical data might be lacking, but the President had set the objective of aligning the country's statistical practices with international standards and it was intended to disaggregate data by indicators such as gender and ethnicity.

21. **Ms. Khazova** asked when the alignment with international standards would be completed.

22. **Ms. Amanniyazova** (Turkmenistan) said that the assessment phase had been carried out and that, with the assistance of the United Nations Population Fund and the International Monetary Fund (IMF), the transition should be completed by 2016. Census data were published and were made available to the public through libraries.

23. **Ms. Aldoseri** asked what the cause of the Internet shutdowns in August 2014 had been and whether the situation had been restored to normal.

24. **Mr. Haljanov** (Turkmenistan) replied that the cuts in question, a preventive measure taken in response to very high summer temperatures, had been intermittent and temporary and had never affected the entire country at once.

25. **Ms. Khazova** asked whether children enjoyed freedom of access to social media.

26. **Mr. Haljanov** (Turkmenistan) said that, although not all social media were operating in Turkmenistan, all persons, including children, were free to use them. Russian language social networks were the most widely accessed.

27. **Ms. Agayeva** (Turkmenistan) said that the revised Act on State Guarantees of the Rights of the Child, which set the age of majority at 18, had been adopted in May 2014 and would lead to the amendment of a number of other relevant laws. After the age of 16, children with disabilities moved into a different category that entitled them to twice the amount of disability allowance; therefore, there was no discrimination against that group. Replying to questions regarding the Aral Sea crisis, she said that the Government was running pilot programmes to improve maternal and child health, including prenatal care and the construction of new infrastructure. In addition, a plan adopted in 2010 to provide midwifery services and early cancer screening had led to a drop in both maternal and infant mortality.

28. **Ms. Berdiyeva** (Turkmenistan) said that any ill-treatment, bodily harm, sexual abuse or neglect of children was an offence under the Criminal Code. An accelerated investigation procedure was available in cases of offences against children. Administrative proceedings could also be launched. Article 182 of the Code addressed torture, in keeping with the Convention against Torture, and contained specific provisions regarding the torture of women, children, persons with disabilities and detainees. Juvenile offenders were held separately from adults. Some 47 boys were currently held at the juvenile correctional colony, while the only 2 girls were held separately in a women's facility. Video cameras had been installed to ensure that force was not used against detainees and, although a complaints mechanism was in place, there were no registered cases of torture or ill-treatment of juvenile offenders. The International Committee of the Red Cross had been conducting visits to places of detention since 2011 and had reported decent conditions, including the organization of leisure activities and the provision of vocational training.

29. **Ms. Khazova**, noting that there was no correctional colony for girls, asked how their segregation at the women's facility was ensured. She also asked to what extent children in alternative care could lodge a complaint in practice. Was there a helpline? If so, how were callers protected?

30. **Ms. Berdiyeva** (Turkmenistan) said that the International Committee of the Red Cross could confirm that juveniles were held separately from adult offenders.

31. **Ms. Aldoseri** requested further information on the complaints mechanism for detainees, specifically whether it was independent, who its members were and whether records were kept of the complaints.

32. **Ms. Berdiyeva** (Turkmenistan) said that no complaints had been lodged. The team that had visited the juvenile correctional colony had been given access to the inmates and had observed that the staff were very supportive of them.

33. **Ms. Khazova** asked whether the youths held in the colony had all been convicted or whether some were awaiting trial.

34. **Ms. Berdiyeva** (Turkmenistan) replied that only convicted offenders were sent to the colony; juveniles who required placement in pretrial detention were held in remand centres.

35. **Ms. Khazova**, referring to reports of violence against children in remand centres, asked what monitoring was conducted.

36. **Ms. Berdiyeva** (Turkmenistan) said that no such cases had been brought to her attention.

37. **Ms. Agayeva** (Turkmenistan) said that the complaints mechanism was composed of representatives of the procurator's office, local government and civil society.

38. **Ms. Amanniyazova** (Turkmenistan) said that the United Nations Population Fund was helping to set up a helpline for victims of domestic violence.

39. **Mr. Geldimammedov** (Turkmenistan), replying to a question regarding opportunities for children to express their views, said that new subjects had been added to the curriculum, such as healthy lifestyles, in which children were taught about their rights in various spheres. In addition, children had been involved in national consultations on the post-2015 development agenda.

40. **Ms. Atajanova** (Turkmenistan) said that legislation was published in the Official Gazette and was available free of charge, including online. Although regulations were not always widely disseminated, they were published in compendiums that could be found on the websites of the relevant ministry or at the Ministry of Justice's library. Proposals for constitutional reform were being drafted and would be published in the mass media for nationwide consultation. With the assistance of the United Nations Development Programme, the Office of the United Nations High Commissioner for Human Rights and the European Union, information centres had been established in all the regions, where the public could access national legislation and international instruments, which had been translated into Turkmen and Russian. The centres also ran human rights seminars for teachers, students and NGOs.

41. Work on the National Plan of Action for Children had not stopped, but had been slowed down by the simultaneous design of a national programme for early childhood education and another on juvenile justice. Moreover, policymakers wished to wait for the Committee's concluding observations in order to incorporate its recommendations in the plan, which would be adopted by the end of 2015. Confirming that the Interdepartmental Commission on compliance with Turkmenistan's international human rights obligations was the body that monitored human rights and coordinated ministry efforts in that domain, she said that a number of specialized working groups had been set up under the Commission. In addition, the programme on juvenile justice would provide for a coordinating and monitoring mechanism based on the experience of other countries.

42. **The Chairperson** asked whether the State party would consider setting up a coordinating working group on children's rights and the Convention.

43. **Ms. Atajanova** (Turkmenistan) said that discussions were being held on the creation of such a body. Turning to the issue of citizenship for members of ethnic minorities, she said that relevant legislation was in place and Turkmenistan had acceded to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. In addition, the majority of the individuals who had recently obtained Turkmen citizenship were members of ethnic minorities.

44. **Ms. Aldoseri** said that her question on statelessness had related both to discrimination against ethnic minority children who did not have Turkmen citizenship and to their enjoyment of their rights.

45. **Ms. Khazova** asked whether the measures taken to resolve the issue of stateless children had been effective and whether children born in the State party still ran the risk of becoming stateless.

46. **Ms. Atajanova** (Turkmenistan) said that children born in Turkmenistan automatically gained Turkmen citizenship. However, she would undertake further research on the matter.

47. **Ms. Khazova** asked whether confidential adoption was a topic of discussion in the State party, what relevant regulations were in place and whether children could find out information about their origins.

48. **Ms. Berdiyeva** (Turkmenistan) said that any breach of confidentiality regarding adoption constituted a criminal offence.

49. **Ms. Khazova** asked whether corporal punishment was prohibited under the Family Code and other domestic legislation and what action was being taken to raise public awareness of the issue.

50. **Ms. Aldoseri** asked whether corporal punishment was classified as unacceptable or prohibited in the legislation of the State party.

51. **The Chairperson** asked whether corporal punishment was criminalized. She also requested clarification as to whether all forms of violence against children were considered to be inadmissible, or only those resulting in bodily harm.

52. **Ms. Khazova** asked how the authorities kept track of the whereabouts and situation of children who had been left in the care of relatives or abandoned. Furthermore, she wished to know whether parents affected by poverty, particularly single mothers, received benefits and support and whether prospective and existing adoptive parents received advice on the upbringing of children. She requested information on the situation regarding the ban on international adoption and the possibility of acceding to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. What measures had been taken regarding children with disabilities or suffering from ill-health who were living without parental supervision? Was international adoption a possibility in such cases and what plans did the authorities have in that regard? She also asked how much progress had been made in terms of organizing the juvenile justice system, setting up special courts and the specialization of judges.

53. **Ms. Aldoseri** commended the State party on the adoption of a national HIV prevention programme. However, no official data on the scale of the problem seemed to have been published. She requested information on any relevant awareness-raising campaigns on the transmission of HIV or preventive measures targeting schoolchildren and the general public, particularly in the areas bordering Afghanistan and Uzbekistan. Was it true that medical practitioners were reluctant to diagnose patients with HIV out for fear of reprisals from officials? The delegation was asked to comment on the closure of the National AIDS Prevention Centre in Ashgabat and to explain why the health budget had been cut and a number of hospitals closed. Additional information was requested on efforts to investigate the causes of tuberculosis, hepatitis, dysentery and other infectious diseases and to improve both sanitary conditions and access to safe drinking water. As to breastfeeding, she wished to know why the percentage of infants under the age of 6months being exclusively breastfed was so low and whether measures had been taken in that regard.

54. Regarding disability, Turkmenistan had been the first Central Asian nation to ratify the Convention on the Rights of Persons with Disabilities (CRPD). However, in 2013, more than half of the infants cared for in baby homes had been infants with disabilities. Was it planned to collect statistical data in all children with disabilities up to the age of 18?

55. Notwithstanding the substantial increase in the wages of teaching staff and smaller class sizes, concerns remained regarding the quality of education, in the light of articles 28 and 29 of the Convention and the Committee's general comment No. 1 on the aims of education. She asked whether human rights education was included in school curricula and

requested information on the situation of several hundred children affected by the closure of the Turkmen-Turkish school in 2014. She wished to know whether ethnic minority languages were taught in schools and enquired as to the measures taken to protect the lives of schoolchildren.

56. Lastly, had any mechanisms been established to ensure the implementation of the prohibition on the use of child labour in the cotton harvesting industry?

57. **Ms. Herczog** asked how many baby-friendly hospitals there were in Turkmenistan; how the authorities prepared young expectant mothers and their partners for parenthood; what kind of training on breastfeeding was provided to health professionals working on maternity wards; whether provision was made for working mothers wishing to breastfeed their babies; how long maternity leave lasted; whether any form of paternity leave could be granted to fathers; and where children were placed once their parents returned to work. She also requested information on mother-to-child transmission of HIV and breastfeeding. Lastly, she asked how the authorities intended to improve their performance in terms of preventing the placement of very young children in institutions and what the time frame was for the closure of such institutions.

58. **Mr. Nogueira Neto** asked whether the State party intended to draw on international experience, in particular the experience of the Joint United Nations Programme on HIV/AIDS (UNAIDS), in its efforts to promote safe sex among young persons. Was it planned to reform public HIV/AIDS treatment services for young persons? Lastly, he asked to what extent existing awareness-raising campaigns targeting young persons could be widened and intensified in order to combat discrimination against children affected by or living with HIV/AIDS.

59. **Mr. Gastaud** requested additional information regarding the use of child labour in the informal sector. He also asked whether inspections were carried out, and if so, how frequently. Were there sufficient inspectors? Had sanctions been imposed on employers who had breached the Labour Code? Lastly, he asked for clarification regarding the situation of street children, particularly in urban areas.

60. **Ms. Khazova** asked whether any research had been conducted into the growing number of suicides among children, particularly teenagers, that had been reported to the Committee. Had any measures been taken or planned to tackle the issue.

61. **The Chairperson** requested additional information on corporal punishment, measures to raise awareness regarding violence against children, alternative forms of discipline and related legal matters.

62. **Ms. Berdiyeva** (Turkmenistan) said that the use of corporal punishment was prohibited by law.

63. **The Chairperson** asked whether that prohibition covered even minor uses of violence against children and whether an offence could only be deemed to have been committed if bodily harm had been inflicted upon the child in question.

64. **Ms. Berdiyeva** (Turkmenistan) said that the Criminal Code made provision for different levels of bodily harm. An assessment was carried out to determine the level of bodily harm inflicted and the applicable sanctions.

65. **The Chairperson** asked for clarification of what constituted bodily harm under the domestic law of the State party.

66. **Ms. Berdiyeva** (Turkmenistan) said that, under the Criminal Code, the gravity of the bodily harm inflicted was a determining factor when deciding whether an act of violence constituted a criminal offence. Domestic legislation also contained provisions on the use of inappropriate methods of education or upbringing by parents or persons in loco parentis.

67. **Ms. Khazova** said that it was her understanding that the level of harm inflicted determined whether an act of violence constituted a criminal or an administrative offence. She asked whether the Family Code clearly prohibited corporal punishment.

68. **Mr. Gastaud** asked whether the act of occasionally depriving children of food would constitute bodily harm under the legislation of the State party.

69. **Ms. Berdiyeva** (Turkmenistan) said that such an act would be covered by legal provisions relating to the upbringing of children, rather than by the Criminal Code.

The meeting rose at 6 p.m.

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Sixty-fifth session

Summary record of the 1936th (Chamber B) meeting
Held at the Palais Wilson, Geneva, on Tuesday, 13 January 2015, at 3 p.m.

Chairperson: Ms. Wijemanne

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Fifth periodic report of Sweden

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Section, room E.5108, Palais des Nations, Geneva.

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The meeting was called to order at 3 p.m.

Consideration of reports of States parties (*continued*)

Fifth periodic report of Sweden (CRC/C/SWE/5; CRC/C/SWE/Q/5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Sweden took places at the Committee table.*

2. **Ms. Baralt** (Sweden) said that promoting the full and equal enjoyment of human rights, including the rights of the child, was a core value of the Swedish Government. The composition of the Swedish delegation reflected the Government's awareness that children's rights were a cross-cutting issue, with an impact on such areas as education, social welfare, legislation and justice, migration policy and health.

3. The right of the child to express his or her views in all matters affecting him or her was a challenge for decision makers. Legislation and economic resources were not enough. More was needed, including awareness-raising, training, new working methods and experience listening to children. In that connection, the work and commitment of the 2014 Nobel laureates Malala Yousafzai and Kailash Satyarthi were a great source of inspiration, and one of the goals of Swedish policy was for children to have the opportunity to influence society. In pursuit of that goal, the Ombudsman for Children had developed methods on how decision makers could learn from the knowledge and experience of children and young people.

4. As the primary interface between the State and the child, providers of social services were crucial to the protection of at-risk children, another area of great importance to Sweden. In an effort to prevent the recurrence of tragic cases similar to those that had drawn considerable attention in recent years, the Government planned to improve the ability of all parts of society, including the social services, to act promptly when information about at-risk children was received. New legislation had already resulted in change. When child abuse and neglect were suspected, for instance, reporting was mandatory, and the social services must determine immediately whether the child needed emergency protection.

5. Inclusion was a fundamental principle of the Swedish school system, and Swedish schools made every effort to give all children the same opportunities. As international comparisons had shown a drop-off in the performance of Swedish schools, however, a series of reforms had been launched. The Education Act, for example, was recently amended in an effort to ensure that students whose performance appeared substandard were given prompt support, which was particularly important in schools in challenging environments. Children with disabilities were to be given individualized help. Training materials were being developed to improve educational conditions for the children of recent arrivals to Sweden. The Government had recently decided that children living in care homes were entitled to attend school in the municipality where the home they were living in was located.

6. The Ombudsman for Children had received reports that physical restraints and solitary confinement were in widespread use in psychiatric institutions and detention facilities. As a result, the Government was proposing that such coercive measures should be taken against a child only if they were in the child's best interests and that the use of belts should be limited to no more than two hours. Restrictions on the use of solitary confinement were also being considered.

7. The numbers of children seeking asylum in Sweden were increasing. Guidelines for the reception of unaccompanied minors had been published, and in early 2014, in view of

the disappearance of such children from migrant reception centres, a plan for the protection of children from human trafficking had been adopted.

8. Sweden, the world's first country to ban the corporal punishment of children, had recently hosted a conference on the topic in the hope that international dialogue would hasten the process of banning that form of punishment. Sweden had also provided financial support for the work of the Special Representative of the Secretary-General on Violence against Children.

9. A decision had been made to begin work on transposing the Convention into domestic law. The new Government had not yet considered whether it would ratify the latest Optional Protocol on a communications procedure.

10. **Mr. Kotrane** (Country Rapporteur) said that, even though Sweden was clearly a great friend to the Convention, a number of questions were still pending. He asked first whether the Government or NGOs translated the Committee's concluding observations on the country's previous reports into Swedish. He also asked whether Sweden, as the Committee had recommended, intended to withdraw the declaration according to which it interpreted the words "any representation" in article 2 (c) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography as meaning "any visual representation".

11. Since the Convention on the Rights of the Child, like other international instruments, apparently did not take precedence over domestic law, he requested information on the conclusions of the inquiry that had been set up to analyse how the application of laws and other regulations complied with the Convention and, if necessary, to propose ways of supplementing and clarifying legislation. He also wished to know whether NGOs had contributed to the inquiry. Echoing concerns expressed by the Committee on the Elimination of Racial Discrimination, he asked what steps the Government had taken to ensure that the country's business sector, in particular its extractive industries, which were especially active in areas inhabited by indigenous peoples, respected children's rights; what was being done to combat the xenophobic and racist attitudes often faced by children of African origin and others; and whether removal of the term "race" from the Discrimination Act did not make it harder to combat racial discrimination. In that connection, the Committee was concerned about the precarious socioeconomic conditions in which Roma children in the State party often lived.

12. The principle of the best interests of the child was not always well understood by the courts and the administrative authorities. He would therefore like to know what courses were given to the authorities who dealt with children, in particular children seeking asylum or in conflict with the law, to ensure that in all such dealings application of that principle was standard procedure. He then asked whether the Government was taking steps to ensure that children's voices were heard, in particular in court cases whose outcomes could affect them. He noted that suicide, the rates of which were seemingly rather high in the State party, posed a threat to the child's right to life and wondered with alarm whether the proposed two-hour limit on the use of belts as restraining devices was not much too high.

13. **Mr. Gurán** (Country Rapporteur) said that the new reality in Sweden, a pioneer in the field of children's rights, required new responses. He therefore wished to know whether the inquiry begun in 2013 had concluded that the application of the relevant laws and regulations was fully compliant with the Convention, what steps the Government had taken to ensure a holistic approach to implementation of the Convention and whether there were any plans to give the Convention the status of law in Swedish legislation.

14. He requested further information about the way the Ministry of Finance's equalization system addressed the municipal or regional disparities in children's access to the services to which they were entitled. In that connection, information on whether there

were minimum standards for accessibility of services would also be welcome, as would information on the newly built website of the Ombudsman for Children. In addition, he asked whether the Ombudsman's Office functioned in full compliance with the Paris Principles; whether it received individual complaints and intervened in individual cases; whether it reported to the Government or to the legislature; how the Ombudsman was appointed; and whether the Ombudsman's Office offered regional contact points. A comment on the Government's intentions with respect to ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure would also be of great interest to the Committee.

15. Lastly, since people working in the field of children's rights in Sweden would apparently benefit from greater knowledge of the Convention, he asked whether the Committee's general comments — Nos. 12 and 14, for example — had been translated into Swedish; whether there had been campaigns to raise awareness of the most recent general comments; and how the authorities ensured that the right of the child to be heard was respected, in particular at school and at municipal level.

16. **Ms. Oviedo Fierro** asked whether the State party, in view of the growing popularity of political parties espousing xenophobic or discriminatory views, was stepping up efforts in educational establishments to raise awareness of the consequences of discrimination, xenophobia and related forms of intolerance. She also asked what the Swedish Government was doing to ensure that children with cognitive disorders received schooling on a par with that received by all children and to deal with the trauma that might affect the children of persons who arrived in Sweden as refugees. Information on any mechanisms to ensure that children's voices were heard and on whether children's participation was encouraged, in particular in matters that affected them, would be welcome as well. Lastly, in view of the criminal transactions it sometimes facilitated, she wished to know whether all children, especially those in vulnerable situations, had access to warnings about appropriate uses of the Internet.

17. **Mr. Cardona Llorens**, noting the high degree of autonomy granted to local governments in budgetary matters, asked how the State party ensured that children throughout the country had the same level of access to services. He wondered whether the Government was able to identify which budget lines were devoted to promoting and protecting children's rights in the budgets for each sector. Given the use of gender impact assessments in Sweden, he asked whether the Government was also required to conduct a child rights impact assessment before taking any budgetary, legislative or administrative measures and whether the best interests of the child were the paramount consideration in all decisions affecting them.

18. **Mr. Mezmur** said that it was also important to conduct child rights impact assessments in the context of international development aid, and he asked what progress had been made in that regard. He also asked the delegation to provide disaggregated data in relation to international development aid.

19. **Mr. Kotrane**, noting that Sweden was preparing to ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, asked whether the Ombudsman for Children would be granted the power to receive complaints from children, so that they could make full use of domestic remedies before submitting a communication to the Committee.

The meeting was suspended at 4 p.m. and resumed at 4.25 p.m.

20. **Ms. Baralt** (Sweden) said that the inquiry set up to analyse the extent to which the implementation of Swedish laws and regulations complied with the Convention was expected to issue recommendations in the early autumn of 2015. NGOs and civil society were closely involved in the inquiry, the specific terms of which were currently being

reviewed by the Government. While local tax systems differed and were decided through democratic processes, leading to variations in the level of resources available at the local level, all municipalities needed to comply with national laws.

21. The Government had not yet decided whether or not it would ratify the third Optional Protocol to the Convention and thus had not yet planned any changes to the powers of the Ombudsman for Children. Sweden was still in the early stages of launching gender budgeting, and gender impact assessments were not yet in place. No decision had yet been taken on requiring child rights impact assessments. The Government was aware that increasing the participation of children in decision-making posed a significant challenge, and inquiries were currently under way that would help determine ways to move that process forward.

22. **Ms. Palmstierna** (Sweden) said that there was room for improvement with regard to translating the Committee's concluding observations into Swedish using language that was easy for children to understand. After the consideration of her country's previous periodic report, the Government had met with a number of NGOs to discuss the Committee's concluding observations and recommendations and determine which issues were of greatest concern. Her Government aimed to enhance its communication with NGOs and to further improve the reporting process through increased involvement at the local level. Indeed, the following day it would be engaging in dialogue with the NGOs represented at the current meeting.

23. **Mr. Ingrids** (Sweden) said that, while Sweden adhered to the principle of local self-governance, the central Government also supported local governments in their tasks by disseminating information and monitoring their work. The principle of local self-governance was a democratic one and enabled close contact between children and decision makers. The Ombudsman for Children was doing excellent work to bring children face to face with leaders of the institutions that served them.

24. **Mr. Stenberg** (Sweden) said that there were four State authorities that conducted evaluations or inspections of local education services to ensure their compliance with national law, namely the National Agency for Education, the Swedish Schools Inspectorate, the National Agency for Special Needs Education and the Sami School Board. The Education Act and the Discrimination Act provided for equal access to education for all. The schools overseen by the National Agency for Special Needs Education and the Sami School Board were run by the central Government rather than municipalities, in order to ensure the best possible allocation of resources for children with special needs and Sami children. The Government's efforts were aimed at eliminating not just racism but also discrimination against Muslims, members of the lesbian, gay, bisexual and transgender community and persons of African descent.

25. **Mr. Ingrids** (Sweden) said that the growth of racism in Sweden was of course a matter of concern. The National Agency for Education was conducting a three-year project to raise awareness about xenophobia in schools, including among teachers and other staff members. A campaign was also under way to raise awareness about hate speech in the media and on the Internet. A special investigator had been appointed to determine how such awareness-raising measures could be made more effective.

26. **Mr. Stenberg** (Sweden) said that the Government was taking measures to combat harassment and bullying in schools, including cyberbullying, which was more difficult to address given its anonymous nature. Every three years the National Agency for Education conducted a nationwide survey on competence in information and communications technologies, and the survey conducted in 2013 had included questions on cyberbullying. The results had shown that the majority of teachers wished to have training on dealing with the problem. The Swedish Agency for Youth and Civil Society had been tasked with

addressing the issue of harassment and threats on the Internet and would produce its final report on the subject in March 2015. In the meantime, material for teachers and students was available for download, as were empirical data on the topic.

27. **Ms. Oviedo Fierro** said that the helpline services for children in Sweden had set an example for other countries to follow, and she asked whether they would be continued and what funding would be allocated to them.

28. **Mr. Cardona Llorens** asked whether parents were provided with training on cyberbullying through the school system.

29. **Mr. Stenberg** (Sweden) said that there was currently no national initiative to educate parents about cyberbullying, though many municipalities had established their own programmes.

30. **Ms. Baralt** (Sweden) said that her delegation would address the issue of helplines at the next meeting.

31. **Ms. Palmstierna** (Sweden) said that, while child rights impact assessments were not required, they were becoming increasingly common. The Government appreciated the Committee's general comment No. 14, which provided helpful guidance related to the best interests of the child and child rights impact assessments. The ongoing inquiry analysing compliance with the Convention in the implementation of national laws would help to determine how to give better consideration to the best interests of the child when providing various social services.

32. **The Chairperson** asked whether any studies had been conducted to collect data on cyberbullying and racism in order to determine the extent of those problems.

33. **Mr. Stenberg** (Sweden) said that extensive empirical data on those issues had been collected and was available for download on the Internet.

34. **Ms. Evelius** (Sweden) said that the new Patient Act that had recently entered into force stipulated that the best interests of the child must be considered when health and medical care were provided to children and that the child's views must be taken into account. Belts were to be used in mental health-care settings only if it was in the best interests of the child, which in practice meant that they were used only in life-or-death situations.

35. **Ms. Peyron** (Sweden) said that the Aliens Act also provided that, in cases involving children, their health and development and their best interests must be considered. Child rights impact assessments were being used as a way of determining a child's best interests.

36. **Mr. Ingrids** (Sweden) said that the Ombudsman for Children's online statistics portal, known as "Max 18", allowed the Government to measure the implementation of children's rights to a certain extent. However, it was difficult to determine the results yielded by each measure taken. The "Max 18" portal was readily accessible and allowed users to pinpoint the statistics they were looking for with ease. The portal had enabled municipal governments to identify and remedy shortcomings in the implementation of the rights of certain groups of children.

37. **Ms. Palmstierna** (Sweden) said that the Committee's general comments were of great use to the Government. All general comments were translated into Swedish and could be accessed online. The Government had also made efforts to raise the awareness of the general public of the general comments.

38. **Ms. Falkdalen** (Sweden) said that the Swedish International Development Agency was responsible for implementing the Government's policy for global development and for allocating international development aid. The policy for global development advocated a

human rights-based approach to distributing such aid. The Agency continuously monitored and evaluated the impact of allocated aid by means of a computerized system. The Agency intended to make children's rights a separate subcategory in the system to ensure a more efficient and systematic evaluation of how allocated aid had benefited children on the ground. The Government was also strongly in favour of including a child's rights perspective in the post-2015 development agenda.

39. **Mr. Mezmur** asked whether the State party equated the approach taken by the Swedish International Development Agency to monitoring and evaluating how allocated aid had benefited children on the ground to a child impact assessment. He recalled the need for the State party to conduct child impact assessments systematically in all institutions dealing with children and adolescents. He asked whether children's views were taken into account by those responsible for distributing international development aid.

40. **Ms. Winter** said that the Committee had received reports that, each year, more than 1,000 minors were placed in isolation cells in police stations. The Committee understood that it was sometimes necessary to hold minors separately for short periods of time but insisted that no minor should be held in solitary confinement for an extended period of time. She asked why so many minors were placed in isolation cells as opposed to other types of cell.

41. **Mr. Kotrane** asked why the suicide rate among children with disabilities was so high in the State party and what measures the State party had taken to prevent suicide among that group of children.

42. **Mr. Gurán** asked what assistance was provided to families in which children were obliged to care for parents who were seriously ill or who had a disability and what assistance was provided to children whose parents were in prison.

43. **Mr. Kotrane** asked whether working fathers could apply for special parental leave to help them shoulder their family responsibilities, and how the State party planned to remedy the problem of children being unable to visit their parents in prison on account of the distance involved. He wished to know of the measures taken by the State party to raise awareness among professionals working with children of the prevalence of and the need to prevent violence against children with disabilities.

44. The Committee viewed the removal of a large number of child asylum seekers and unaccompanied minors from the State party as a major cause for concern, as those children could easily fall victim to sexual exploitation or abduction or end up returning to an abusive home. The Act on Guardians Ad Litem for Unaccompanied Children (2005:429) did not specify a time frame for appointing a guardian for an unaccompanied minor. Guardians should be appointed without delay and be provided with all necessary assistance.

45. The Committee had received reports that minors were often held in pretrial detention for up to 48 hours without undergoing a medical examination or being granted access to a lawyer. He asked what the maximum duration of pretrial detention for minors was in Sweden and whether it was formally established in law.

46. Recalling the recommendation contained in the Committee's 2007 concluding observations on the initial report of Sweden under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/SWE/CO/1) concerning the need to expedite the reform of the Criminal Code to strengthen measures to prevent the recruitment of children for armed conflict, he welcomed the fact that the new Act on international crimes covering genocide, crimes against humanity and war crimes (SOU 2002:98) prohibited the recruitment of children under the age of 15 into the armed forces and their use in battle. He asked whether the Act

also prohibited the recruitment of children between the ages of 15 and 18 into the armed forces and whether it covered children engaged in armed conflict abroad.

47. It appeared that the definitions of the sale of children, child prostitution and child pornography contained in Swedish law were not aligned with those contained in the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. He recalled that States that had ratified the Optional Protocol were expected to take steps to bring their domestic legislation into conformity with its provisions. He asked when the State party planned to amend the Child Pornography Act and whether Swedish law afforded children between the ages of 15 and 18 who were victims of sexual exploitation, trafficking or prostitution the same protection as children under the age of 15.

48. **Mr. Cardona Llorens** asked what measures the State party had taken to give effect to the recommendations on children with disabilities contained in the Committee on the Rights of Persons with Disabilities' 2014 concluding observations on the initial report of Sweden (CRPD/C/SWE/CO/1). The State was to be commended on its inclusive education system. However, it should be recalled that the aim of inclusive education was to help children with disabilities reach their full potential and not just a required level of academic achievement, as seemed to be the case in some schools. He would be interested to know what became of those children with disabilities who failed to reach the required academic standard in such schools.

49. It appeared that, as a general rule, children in Sweden took part in a large number of extracurricular activities. However, at times their involvement in such activities was excessive and precluded them from engaging in play and other recreational activities. Moreover, the fact that extracurricular activities were often costly prevented children from poorer backgrounds from taking part, which amounted to discrimination on the grounds of socioeconomic background. He asked whether Swedish anti-discrimination legislation covered that form of discrimination.

50. **Mr. Mezmur** said that it was important to ensure that children did not devote excessive amounts of time to learning at the expense of engaging in play and in other recreational activities. He asked whether the State party had developed a long-term strategy to raise awareness of the Convention in schools and how the State party planned to raise the awareness of schoolchildren of Swedish anti-discrimination legislation. Noting that children described as being "in transit" often struggled to access education, he asked how the concept of "in transit" was defined and how the State party ensured that those children were not overlooked. He also wished to know how the State party planned to curb the high dropout rate among migrant children.

51. **The Chairperson**, speaking in her capacity as an expert, said that she understood that the International Code of Marketing of Breast-milk Substitutes was not being implemented in the State party and that the exclusive breastfeeding rate was alarmingly low. She asked why the exclusive breastfeeding rate was so low; what the State party was doing to promote exclusive breastfeeding; and whether there was a State policy on infant and young child feeding practices.

52. The Committee had also received information concerning the excessive use of drugs to treat attention deficit disorder and hyperactivity in children. She asked whether the State party had conducted research in that area and whether it had identified alternative forms of treatment.

53. **Ms. Al-Shehail** said that, despite efforts to improve the quality of the health care afforded to all children in Sweden, the standard of physical and mental health of children from disadvantaged groups remained low. She asked how the State party planned to improve that situation.

54. Noting that the daily allowance of asylum seekers appeared to have remained unchanged since 1994, she asked whether the State party planned to increase that allowance to take account of the current cost of living in Sweden. Moreover, there appeared to be considerable disparity in the social services offered to undocumented migrants and their children by the different municipal authorities. The State party should consider providing municipal authorities with guidelines on how to receive undocumented migrants and their children and on how to ensure that they had access to basic social services. Lastly, she asked whether the State party had adopted a national strategy to combat child poverty and, if so, whether it provided special assistance to groups of children who were disproportionately affected.

55. **Ms. Winter** requested the delegation to provide statistical data on trafficking in children, child abuse and offences committed against children by Swedish citizens abroad. She asked how the State party planned to reduce the prevalence of honour killings of girls, as well as boys perceived to be either bisexual or homosexual, within the country's Muslim population following the closure of the special criminal investigation unit for dealing with honour-related violence. She also wished to know whether the State party intended to build more sheltered housing to respond to the current shortage of such accommodation.

56. She asked whether the reports received by the Committee suggesting that children were often questioned without the presence of a parent, lawyer or social worker were accurate and, if so, how many children had been questioned in that manner. Noting that, in accordance with Swedish law, child suspects had to be assigned a lawyer unless it was obvious that there was no need for one, she enquired as to the criteria used to determine whether the need for a lawyer was mandatory or not. She would also like to know whether the working group responsible for determining whether Swedish domestic legislation needed to be amended to comply with Directive 2013/48/EU of the European Parliament and of the Council on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty, had submitted its report to the Government and of the findings of that report. Lastly, she asked what assistance the State party provided to children who were witnesses or victims of violence.

The meeting rose at 6 p.m.

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Sixty-eighth session

Summary record of the 1937th (Chamber A) meeting
Held at the Palais Wilson, Geneva, on Wednesday, 14 January 2015, at 10 a.m.

Chairperson: Ms. Sandberg

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties (*continued*)

Combined second to fourth periodic reports of Turkmenistan (CRC/C/TKM/2-4) (continued)

1. *At the invitation of the Chairperson, the delegation of Turkmenistan took places at the Committee table.*

2. **Ms. Atajanova** (Turkmenistan), responding to questions raised at the Committee's 1935th meeting, said that the Government of Turkmenistan had reviewed its citizenship regulations since acceding to the Convention relating to the Status of Stateless Persons in 2011 and the Convention on the Reduction of Statelessness in 2012. A new law on citizenship, conforming to the international standards derived from those instruments and reflecting the best interests of the child, had been adopted in June 2013. Responsibility for issues of nationality and statelessness lay with a special unit within the National Institute of Democracy and Human Rights. No petitions or declarations of statelessness had been filed in 2014, but the new legislation provided a robust framework for resolving any problems that might arise.

3. Responding to a request for clarification from **Ms. Khazova** (Country Rapporteur), she confirmed that all children born in Turkmenistan qualified for Turkmen nationality unconditionally, irrespective of the mother's nationality.

4. **Ms. Amaniyozova** (Turkmenistan), responding to questions about freedom of expression and child-friendly channels of communication, drew attention to the central role accorded to children in the stakeholder consultations on the post-2015 sustainable development agenda conducted in Turkmenistan in 2014 with support from the United Nations Children's Fund (UNICEF). Turkmen children had written essays and participated in focus groups, and two children had even taken part in a side event at the 2014 United Nations General Assembly.

5. **The Chairperson** asked for information about channels through which children could express views, including political opinions, in the public domain.

6. **Mr. Gastaud** asked what follow-up was envisaged in relation to the contributions made by children to the consultation process and whether mechanisms were available through which students could express their views on teaching materials and school facilities.

7. **Mr. Geldimammedov** (Turkmenistan) said that children were encouraged to express their vision of the world around them starting in the first year of primary school. They could in later years speak out on children's rights, health issues and the laws of the country. Television shows and specialist magazines also provided outlets through which children could express their views.

8. Teachers were required to attend refresher courses at which they were updated about the latest legislation on the rights of the child and human rights in general. The use of corporal punishment at school was strictly prohibited. Pursuant to the Code of Administrative Offences, any person who used violence to inflict bodily injury upon another or in any way cause harm to their health was liable to the payment of a fine, and in some cases might be held in custody.

9. **Ms. Aldoseri** (Country Rapporteur) asked whether the infliction of bodily harm was a prerequisite for the imposition of a fine and the attribution of liability.

10. After an exchange in which **Ms. Amaniyazova** (Turkmenistan), **Mr. Geldimammedov** (Turkmenistan) and **the Chairperson** participated, **Ms. Berdiya** (Turkmenistan) explained that any act of violence, including a small slap to the face, would

be duly investigated but that, in the absence of serious harm, the perpetrator would be liable to an administrative rather than criminal penalty. However, in the case of violent acts determined to have caused serious bodily harm, criminal rather than administrative sanctions were imposed.

11. **Ms. Agayeva** (Turkmenistan) said that the Government was working to ensure compliance with the Act on the Protection and Promotion of Breastfeeding and Baby Food Requirements, adopted in 2009. The distribution of samples of infant formula had been prohibited in a supplement to that law. On-demand feeding was encouraged under the national breastfeeding programme and around 95 per cent of all hospitals were classified as child-friendly. The various measures adopted had contributed to a 20 per cent increase in breastfeeding rates over the past five years, pushing the figure for 2014 to above 60 per cent. Supporting that figure, research into early childhood development carried out in health-care centres in the Ashgabat and Daşoguz regions had revealed that 59 per cent of children were exclusively breastfed for the first six months.

12. With regard to State benefits, she explained that mothers were entitled to three distinct allowances: a maternity allowance payable throughout the period of her maternity leave; a one-off childbirth allowance; and a childcare allowance payable until the child reached 3 years of age. Fathers were entitled to take paternity leave if the mother was unable or unwilling to cease work. Women who went back to work while still breastfeeding were entitled to take half-hour breaks for that purpose every three hours, without loss of pay, until the child reached the age of 18 months.

13. In recent years, the construction and renovation of hospitals and health centres had been a State priority, particularly in rural areas. There were currently 14 specialist children's hospitals nationwide, offering over 5,000 beds, and a major new mother and child health centre that would include training facilities was due to open in mid-2015.

14. **Ms. Khazova** (Country Rapporteur) asked whether the mother and child health-care network provided fully comprehensive national coverage which guaranteed access to hospital treatment for all children, including those living in remote areas.

15. **Ms. Agayeva** (Turkmenistan) said that every region had a district hospital, to which a number of rural health centres were attached. Even the smallest of villages had access to a doctor. Children with health problems that could not be treated at the district level were sent to the provincial mother and child health centre. Children requiring more specialized, qualified care were referred to one of the national centres.

16. **The Chairperson** asked whether budget cuts had in any way hindered the expansion and improvement of the health system.

17. **Ms. Amaniyozova** (Turkmenistan) said that State expenditure on the health system had increased dramatically between 2011 and 2014. Expenditure would also rise in 2015, albeit less significantly. Reports of a shrinking budget were therefore unfounded. Moreover, the State budget for health was supplemented by voluntary medical insurance and by extrabudgetary funds, which covered up to 30 per cent of total expenditure.

18. **Ms. Agayeva** (Turkmenistan) said that staff development through ongoing, refresher and management training was a priority in the health sector, as were improvements to the quality of teaching and the number of teaching staff. In-service doctors and other medical professionals generally attended around 60 hours of training annually. Each year around 50 specialists received training in Germany under a bilateral memorandum of understanding; the result was proving particularly beneficial for diabetes patients. Medical staff received comprehensive instruction whenever new equipment was acquired, and all such equipment complied with European standards.

19. The hospital and health centre construction and renovation programme was continuing. Reports of hospital closures were therefore erroneous. The National AIDS Prevention Centre was still operational; it had simply moved to new premises.

20. **Ms. Atajanova** (Turkmenistan), turning to the issue of adoption and the screening of prospective parents, said that the child welfare authorities scrutinized all documents before reaching a decision on suitability. Prospective adopters, meanwhile, were made aware of the significant responsibility assumed. The introduction of social and psychological assessment requirements was being given consideration as part of a wider review of the relevant regulations. The possibility of ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption was also under consideration, but a comprehensive review of regulations and procedures and of positive and negative past experiences in domestic and international adoption would be required before any decision was reached. Over 7,000 children had been adopted within the country over the past few years, including children with disabilities.

21. **Ms. Khazova**, noting that in many cases international adoption offered the best and possibly only chance for adoption of children with severe disabilities and/or chronic illnesses who were otherwise destined to spend their lives in institutional care, asked what was being done to promote domestic adoption of such children.

22. **Ms. Atajanova** (Turkmenistan) said that adoptive families had been found in Turkmenistan for a number of children in the category just mentioned; however, the problem would be accorded particular attention in the aforementioned review. The resulting regulations and procedures would respect the principles enshrined in the Hague Convention and the best interests of the child.

23. **Mr. Madi** asked what criteria adoptive parents were expected to meet; whether adopted children assumed their new family's name and were treated as full family members in terms of upbringing and inheritance; and at what age young children could be given up for adoption.

24. **Ms. Atajanova** (Turkmenistan) said that, pursuant to the Marriage and Family Code, prospective adopters were required to demonstrate that they were able to provide appropriate housing and education and an adequate level of material comforts. Officially adopted children enjoyed the same inheritance rights as biological children.

25. **Ms. Herczog** asked whether children had the right to access information about their biological origins; whether there was a clear legal framework governing those rights; and whether the Marriage and Family Code covered situations of adoption breakdown.

26. **Ms. Atajanova** (Turkmenistan) said that officials who failed to keep an adoption confidential were subject to criminal penalties, but that parents were permitted to inform their adopted children of their origin. There were no specific legal provisions dealing with adoption breakdowns; such cases were referred to the courts for resolution.

27. **Ms. Herczog** pointed out that keeping adoptions confidential was in breach of the Convention. The State party should amend its legislation and endeavour to ensure that adoptive parents understood that adopted children needed to know about their origins. She would like to know how frequently adoptions broke down and how such situations were generally resolved.

28. **Ms. Khazova** requested information on what became of the children when adoption broke down. Were they placed in a residential home, or was it possible for them to return to their birth family? Were the biological parents able to reclaim parental rights? Was it true that children's views were taken into consideration only if they were aged 10 or older?

29. **Ms. Atajanova** (Turkmenistan) said that the possibility of repealing the confidentiality rules on adoption, in line with the recommendation made by the Committee in its concluding observations to the initial report (CRC/C/TKM/CO/1), was under discussion but no unanimous decision had been reached. Data about adoption reversals were not available, but she could confirm that domestic legislation provided for the reassertion of parental rights and for the child's views to be heard, and that all decisions on such matters were to be made in the best interests of the child.

30. **Ms. Amaniyazova** (Turkmenistan) said that, in cooperation with UNICEF, research had been carried out in four children's homes in 2013 to identify the reasons why children had been placed in care. The largest proportion of the children had been placed in an institution without any explanation being given. The second largest group had been institutionalized because of illness or disability. The remainder had been placed in care because of social reasons or the ill health or death of parents. Poverty was thus not the primary reason for which parents placed their children in care. A range of social welfare benefits was available to help low-income families to finance their household expenditures. According to research carried out in 2011 together with the World Bank, there was virtually no absolute poverty in the country.

31. **Ms. Muhamad Shariff** asked whether social welfare support was provided on an ongoing or one-off basis.

32. **Ms. Herczog** asked whether, in addition to financial benefits, other forms of support were available to help parents provide better care for their children.

33. **The Chairperson** asked whether social services or child protection services intervened when parents wished to give up their children without explanation, and what was done to try to make them reconsider.

34. **Ms. Khazova** asked whether both couples and single mothers could leave children in care without substantiating their decision.

35. **Ms. Amaniyazova** (Turkmenistan) said that family subsidies and allowances were paid out over several years, depending on the number of children; childcare benefits were paid regardless of whether or not the mother was employed.

36. **Ms. Berdiyeva** (Turkmenistan) said that staff at maternity clinics intervened if they sensed that a mother wished to abandon her newborn baby. Through discussions with the mother, they tried to encourage her to keep the baby and to breastfeed it – afterwards, some women changed their minds.

37. **The Chairperson** asked whether the majority of children placed in care by their parents were newborns.

38. **Ms. Amaniyazova** (Turkmenistan) said that there were separate homes for children from birth to 3 years old and for older children. It was generally single parents rather than couples that gave up their children.

39. **Ms. Herczog** asked why such children were not placed with foster families or the extended family, as was traditional in Turkmenistan.

40. **Ms. Amaniyazova** (Turkmenistan) pointed out that the rate of institutionalization in Turkmenistan remained very low by comparison with other countries in the region. Some placements were only temporary; for example, children who required an operation or other medical treatment might be institutionalized for several months but taken back by their parents once they had recovered.

41. **Ms. Herczog** said that institutionalization could be very damaging for children; every effort should be made to place them in family settings.

42. **Ms. Amaniyazova** (Turkmenistan) said that in some cases it was necessary to place children temporarily in an institution while the necessary formalities and background investigations for a guardianship arrangement were finalized.

43. **The Chairperson** expressed concern that parents might give up their children purely because they had been born with a disability. The Committee believed that everything should be done to ensure that children with disabilities were included in the family and society and considered to be as valuable as any other child. The Government faced a huge task in changing attitudes about that.

44. **Ms. Herczog** said that there was no reason why children could not be placed with foster caregivers while guardianship formalities were being completed. She wondered what was being done to facilitate such an approach.

45. **Ms. Khazova** asked whether children placed temporarily in care facilities by their parents were obliged to remain there until their parents came back to pick them up.

46. **Ms. Agayeva** (Turkmenistan) said that in such cases children generally remained in the institutions, although parents were sometimes contacted to ascertain whether they were in a position to take the children back.

47. **Mr. Geldimammedov** (Turkmenistan) said that, in collaboration with UNICEF, the Government had recently opened a number of early childhood development centres in the capital and other cities to provide a range of services, including rehabilitation for children with disabilities and special needs. The centres were fitted with modern rehabilitation equipment as well as Montessori educational materials and offered instruction to parents on how to care for their children at home. A growing number of resource centres provided preschool education to children, including children with disabilities and special needs, who could not attend regular preschools for various reasons.

48. **The Chairperson** suggested that such centres might be in place because mainstream schools did not have the resources to care for children with disabilities. She would be interested to hear what was being done to move towards a more inclusive approach for children with disabilities and provide mainstream schools with additional teaching staff and assistants so that they could cater for them.

49. **Mr. Geldimammedov** (Turkmenistan) said that some children with disabilities did attend mainstream schools. The Government attached great importance to developing inclusive education and was working with UNICEF to that end. A key component of the child-friendly schools programme, which was strategically focused on the realization of every child's right to quality education, was inclusion, an objective that underpinned the stringent certification criteria. Approximately 100 schools had received child-friendly school certification and there were plans to extend the network, as many more schools had applied for certification. As well as extending the duration of compulsory education to 12 years, the most recent Education Act also provided for the inclusion of children with disabilities in mainstream schools. Children attending rehabilitation centres could move on to mainstream schools. In 2014, Turkmenistan had hosted an international conference on inclusive education, at which international experts had given a positive evaluation of the State party's contribution to inclusive education.

The meeting was suspended at 11.30 a.m. and resumed at 11.45 a.m.

50. **Ms. Amaniyazova** (Turkmenistan), responding to an earlier question on the use of child labour to harvest cotton, said that the Guarantees of Young People's Right to Work Act prohibited the employment of children under the age of 16. By presidential decree, a special body had been set up to monitor the cotton harvest and ensure that no child labour was being used: that constituted an administrative offence and was subject to disciplinary sanctions. According to comprehensive research launched in 2011 in accordance with

International Labour Organization standards, the number of children aged between 15 and 17 who were involved in child labour was extremely low.

51. **Mr. Gastaud**, noting that the cotton harvest began in September, asked whether children would still be on school holidays at that time or would have already resumed school.

52. **Ms. Amaniyazova** (Turkmenistan) said that the school year began at the start of September and the harvest took place from September to November.

53. **Mr. Geldimammedov** (Turkmenistan), referring to the situation of children living with guardians or foster parents, said that schools monitored the attendance of all pupils and checked that they were keeping up with their studies. If problems arose or it became apparent that children were living in unsatisfactory conditions, the monitoring was enhanced and efforts were made to visit the home, ascertain the situation and inform the relevant authorities if necessary. Ensuring the quality of education was a matter of great concern for the Government. Refresher courses for primary and secondary schoolteachers had been introduced at national and regional level. Modern interactive teaching methods were used and all schoolchildren received a laptop computer, a gift from the President, in an effort to ensure strong computer skills from an early age. All schoolchildren were provided with free textbooks, which were revised and modernized in line with the latest curriculum.

54. Replying to a question from **the Chairperson**, **Mr. Geldimammedov** (Turkmenistan) said that the status of teachers had improved significantly since the reform of the education system in 2007 and the increase in the number of years of compulsory education from 9 to 12. Teachers' salaries were also increased regularly. As a result of their enhanced status and better pay levels, teachers were improving their qualifications and knowledge base through refresher courses, which had a positive impact on the education they imparted to students.

55. Turning to the reported closure of Turkish language schools, he noted that the Turkish language school established through a bilateral agreement between Turkemenistan and Turkey in August 2014 continued to be fully operational, and construction work had recently begun to build new facilities for the school. Reports that instruction in Russian or ethnic minority languages had declined were unfounded. There were around 100 schools offering instruction solely in Russian. Lessons were conducted in other ethnic minority languages in schools with a significant number of ethnic minority students.

56. **Ms. Khazova** asked how many ethnic minority students were required for such courses to be run.

57. **Mr. Geldimammedov** (Turkmenistan) said that if a sufficient number of students in a class spoke an ethnic minority language, the school would consider running classes in that language; the average school class size was 25.

58. **Mr. Gastaud** asked how many ethnic minority languages had been officially recognized.

59. **Ms. Amaniyazova** (Turkmenistan) said that the most recent national census in 2012 had shown there were more than 80 ethnic groups in Turkmenistan. Turkmens made up 85 per cent of the population, and the three largest ethnic minority groups were Uzbeks, Russians and Kazakhs.

60. **Ms. Aldoseri**, noting that it was obligatory to prove Turkmen ancestry to enrol in a university, suggested that that might militate against attendance by ethnic minority groups.

61. **Mr. Geldimammedov** (Turkmenistan) said that Turkmen nationality was not a requirement for university attendance, and ethnic minority groups had equal access to education, including higher education.

62. **Ms. Aldoseri** asked whether the national curriculum included sexual and reproductive health education.

63. **Mr. Geldimammedov** (Turkmenistan) said that sexual and reproductive health had been introduced into the national curriculum in 2007; issues covered included family values and HIV/AIDS prevention.

64. **The Chairperson** asked whether such education included information on modern contraceptive methods.

65. **Mr. Geldimammedov** (Turkmenistan) said that it did. The Ministry of Health also ran yearly workshops, in partnerships with UNICEF, on sexual health and contraception for adolescents.

66. **Ms. Agayeva** (Turkmenistan) said that sexual and reproductive health units for adolescents had been introduced at mother and childcare centres in 2001. The units offered free sexual and reproductive health consultations, pregnancy tests and modern contraception. A sexual and reproductive health hotline for adolescents had also been launched in 2009. The Government had recently conducted a number of studies, including on child nutrition and maternal and child health, in an effort to assess and improve the quality of health care provided. The adoption of the Drinking Water Act of 2010 had provided access to safe drinking water for the population, including children, and water quality was tested on a monthly basis. Bottled water had been provided in 2014 to reduce the number of cases of hepatitis A resulting from drinking contaminated water in the worst affected areas.

67. **Mr. Gastaud** asked whether there were water purification plants in every major city.

68. **Ms. Aldoseri** asked whether the Government worked in partnership with local NGOs on child health-care issues.

69. **Ms. Agayeva** (Turkmenistan) said that the Ministry of Health took an intersectoral approach to child and adolescent health-care issues which involved both international and national stakeholders, including local NGOs.

70. **Ms. Amanniyazova** (Turkmenistan) said that there were around 40 water purification plants in Turkmenistan: each region had its own facility.

71. **Ms. Berdiyeva** (Turkmenistan), referring to a road traffic accident that had taken place in October 2014, said that it had been caused by a local government employee, rather than the President's security guard as had been suggested. Efforts had been made to investigate, prosecute and punish the perpetrators and appropriate support had been provided to victims. The phenomenon of children living on the streets did not exist in Turkmenistan. Any child who ran away from home and was found on the street was immediately taken to the police and transferred to a holding centre. Once the case had been reviewed, the child would either be returned to the family or placed in foster care. Only around 2 per cent of children found on the streets ended up in children's homes.

72. **Ms. Amanniyazova** (Turkmenistan) said that a child support hotline had been set up as part of efforts to combat the growth in child suicides in Turkmenistan. Since its introduction, the number of child suicides had been reduced from 32 in 2010 to 17 in 2013.

73. **The Chairperson** asked what steps had been taken to identify and provide support for children at risk of suicide.

74. **Ms. Amanniyazova** (Turkmenistan) said that the Government had introduced specific child support services to provide vulnerable children with appropriate help and psychological support. Such services were also responsible for monitoring children after they had attempted to take their own lives in order to prevent any future attempts.

Initial report of Turkmenistan on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/TKM/1 and CRC/C/OPAC/TKM/Q/1)

Initial report of Turkmenistan on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/TKM/1; CRC/C/OPSC/TKM/Q/1 and Add.1)

75. **Ms. Khazova** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) asked whether the State party planned to collect disaggregated data on the sale of children, child prostitution and child pornography. She also wished to know whether there was a specific body to coordinate, monitor and evaluate the implementation of the Optional Protocol and, if not, whether the State party intended to establish one. She enquired whether measures had been taken to identify and prevent at-risk children from becoming victims of any of the offences under the Optional Protocol and whether efforts, including education and information campaigns for vulnerable children and their families, had been made to raise awareness and prevent the sale or trafficking of children.

76. **Mr. Nogueira Neto** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) asked for further information on the number of convictions handed down for cases involving the sale of children, child prostitution and child pornography, including details of the type of penalties imposed. He wished to know what steps had been taken to explicitly define the crimes of the sale of children, child prostitution and child pornography as offences in the Criminal Code. He also enquired whether the State party intended to establish bilateral and international agreements, particularly with the various Commonwealth of Independent States (CIS) countries, to prohibit and prosecute the sale of children, child prostitution and child pornography. Lastly, he asked whether measures had been taken to protect the rights and interests of child victims and witnesses of crimes under the Optional Protocol and whether efforts had been made to increase cooperation on the offences under the Optional Protocol with international bodies, particularly the United Nations human rights treaty bodies.

77. **Mr. Madi** (Country Rapporteur for the Optional Protocol on the involvement of children in armed conflict) asked for information on the general measures of implementation of the Optional Protocol, including on its legal status in national legislation and whether related training was provided to childcare professionals. With regard to reports of children aged 14 attending the Ministry of Defence boarding school, he requested clarification on the length and nature of study, specifically whether children under 18 were instructed in the handling of weapons. He also wished to know whether military schools were run by the armed forces and whether students under 18 were subject to military discipline. With regard to higher military institutions for children over 18 years of age, he asked why an exception to the minimum age requirement had been made for girls. He also wished to know whether students of military academies must join the armed forces upon graduation.

78. He requested detailed information on mechanisms for the early identification of child refugees, asylum seekers or migrants who might have been recruited or deployed in hostilities abroad, and on their number, disaggregated by age, sex and nationality. He also asked for information on the steps taken to provide for their physical and psychological recovery and rehabilitation and to promote their reintegration into society. Lastly, he

wished to know whether national legislation prohibited the trade and export of arms, including small arms and light weapons, and the provision of military assistance to countries where children were involved in armed conflict.

The meeting rose at 1 p.m.

United Nations CRC/C/SR.1938

Convention on the Rights of the Child

Distr.: General
27 January 2015

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Committee on the Rights of the Child
Sixty-eighth session

Summary record of the 1938th (Chamber B) meeting
Held at the Palais Wilson, Geneva, on Wednesday, 14 January 2015, at 10 a.m.

Chairperson: Ms. Wijemanne (Vice-Chairperson)

Contents

Consideration of reports of States parties (*continued*)

Fifth periodic report of Sweden (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Section, room E.5108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties (*continued*)

Fifth periodic report of Sweden (continued) (CRC/C/SWE/5; CRC/C/SWE/Q/5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Sweden resumed places at the Committee table.*

2. **Mr. Ingrids** (Sweden) said that children were interviewed during custody proceedings and criminal investigations that might affect them. The Government was examining whether the recent reform of the Children and Parents Code had achieved its goal of strengthening respect for children's perspective in decisions concerning them.

3. Sweden had various provisions in place to ensure that all children had access to leisure activities. In addition to allowances granted to families with children, special payments were available to enable children in difficult financial circumstances to participate in sports and cultural activities. Some 80 per cent of municipalities cooperated with organizations representing people with disabilities to ensure that the latter had access to leisure activities, and 95 per cent of libraries and 63 per cent of sports facilities were accessible to people with disabilities.

4. **Ms. Evelius** (Sweden) said that, while the overall quality of public health services in Sweden was good, socioeconomic factors prevented them from being equally accessible to all. Her Government aimed to eliminate health inequalities among the population within a generation. To that end, it had established a commission on health equity and concomitant strategies.

5. **Ms. Hjelmer** (Sweden) said that support and guidance were available for children whose parents suffered from health problems that could affect the children, such as substance abuse or mental or physical disabilities.

6. **Ms. Löfstrand** (Sweden) said that in order to help the children of prisoners maintain contact with their imprisoned parents, new prisoners were asked whether they had children so that the appropriate measures could be taken. Each prison had a staff member trained to ensure that children's perspective was taken into account, where relevant. Detainees could maintain contact with their children through visits, home leave, phone calls and letters. All prisons had one or more waiting rooms specially designed for visits with children, and 21 prisons had small apartments for overnight visits by children. Prisoners with children were offered parenting courses. If a child whose parent was imprisoned far from the family home showed signs of illness that could be associated with the parent's absence, the parent could be moved to a prison closer to home. Infants and young children sometimes lived in prison with parents who were serving a sentence.

7. **Mr. Ingrids** (Sweden) said that Swedes as a whole were very supportive of government efforts to help fathers fulfil their parenting role. In 2013, more than 400,000 women and some 300,000 men in Sweden had taken parental leave. A proportion of parental leave would henceforth be reserved for each parent, in order to promote even more equal use of such leave.

8. **Mr. Stenberg** (Sweden) said that human rights were integrated into education legislation and the compulsory school curriculum. According to the Education Act, teaching about human rights conventions must not only cover their content but also promote democratic ways of working. Thus the curriculum for studying the Convention on the Rights of the Child was designed to help children to contextualize their knowledge and enable them to apply it in daily life and, ultimately, to effect change. Everyone working in schools was obliged to promote respect for human rights, including children's rights.

Students were also encouraged to participate in decision-making affecting their schooling by, for example, forming student councils.

9. **Ms. Feltelius** (Sweden) said that her Government was committed to providing education that enabled all children to realize their full potential, without discriminating against children with disabilities. The relevant legislation, which required that special support be provided for such children, had been enhanced in 2014 to require even more support for those who needed it. Municipalities could sometimes deny a student with a disability admission to a particular school on the grounds that admitting the student would create undue organizational or financial hardship for the municipality. In such cases, the municipality was still responsible for ensuring that the student received the education to which he or she was entitled. The Government was drafting legislation stating that extraordinary funding in situations requiring special support should be individualized and based on the child's needs.

10. **Mr. Kotrane** (Country Rapporteur) welcomed the arrangements for children of imprisoned parents, saying they were an example of positive steps that States could take in that regard.

11. **Mr. Cardona Llorens** inquired whether judges, when deciding on a sentence, were required or encouraged to consider the fact that a convicted person was a parent.

12. **Ms. Winter** asked the delegation to indicate the number of recent cases in which detainees had been transferred to a different prison in order to be closer to their children.

13. **Ms. Löfstrand** (Sweden) said that her delegation did not have information on such cases. Closeness to a child's place of residence was not one of the main criteria for assigning convicted prisoners to particular places of detention but could be taken into consideration. Her delegation would provide information later about whether judges were allowed to take that factor into consideration during sentencing.

14. **Ms. Winter** said that it was important to know whether judges were actually required to do so.

15. **Mr. Cardona Llorens** asked whether the State oversaw decision-making by municipalities with regard to the placement of children in particular schools. Furthermore, if the acceptance of a child with a serious disability into a particular school entailed extra expenditure for the school, might that school then have to reject certain children without disabilities because of insufficient funds?

16. **Ms. Baralt** (Sweden) said that Sweden had some private schools, and that if a child with a disability wished to attend a particular private school, then the municipality might, depending on the circumstances, provide support to enable the child to attend that school.

17. **Mr. Gurán** (Country Rapporteur) asked whether consideration had been given to making student councils in schools mandatory.

18. **Mr. Stenberg** (Sweden) said that the issue of school councils should be seen in the broader context of student participation in and influence on decisions affecting them. Since a number of mechanisms were available to facilitate such participation, there was no specific obligation to establish school councils. Pupils and school authorities were thus free to decide jointly on the type of participatory mechanism most suited to their particular circumstances.

19. With regard to choice of school, a voucher system funded by local authorities made it possible for parents and pupils to freely choose a public or private establishment. Municipalities had a non-negotiable obligation to provide the best possible education for all.

20. **Ms. Lindahl** (Sweden) said that her Government's disability policy was underpinned by a number of basic principles, such as the inclusion of children with disabilities in mainstream education, equal living conditions for all and the right of persons with disabilities to influence decisions affecting them. The Swedish Agency for Participation was one of various mechanisms created in order to implement that policy and had special responsibility for reporting on measures taken in respect of children with disabilities.

21. Those measures included amendments to the Social Services Act and the Act concerning Support and Service for Persons with Certain Functional Impairments requiring the best interests of the child to be taken into consideration in actions concerning children. When they were to be provided with assistance, children must be given the opportunity to put forward their views. As part of efforts to give effect to those amendments, the Government had provided support for an NGO project that sought to enhance the capacity of local authorities to further involve children with disabilities in decision-making concerning their situation.

22. **Ms. Peyron** (Sweden), replying to issues raised at the 1936th meeting, said that children seeking asylum who had been placed in care could be granted a temporary residence permit under the Aliens Act. However, such a permit would not be granted if it was found that the same care could be provided in the child's country of origin.

23. All unaccompanied minors applying for asylum must be placed under the care of guardians ad litem. Guardians should be appointed as soon as possible after an asylum application had been filed, and were responsible for the child's care and protection.

24. The Government had taken steps to address the issue of unaccompanied minors who had disappeared. In 2014, for instance, it had adopted an action plan that required the competent authorities to coordinate their efforts against the abuse and trafficking of children.

25. All asylum seekers were entitled to a daily cash allowance, in addition to accommodation and food. While the level of the allowance had indeed remained unchanged since 1994, extended allowances could be granted to cover special needs, such as winter clothing or equipment for infants.

26. **Mr. Cardona Llorens** asked whether guardians ad litem were specially qualified individuals or ordinary citizens. He also wished to know whether there were any plans to revise the daily allowance in view of changes in the cost of living since 1994. He would like to know whether child benefit payments from the third child onward were paid at a lower rate than for the first two children. Lastly, he asked whether migrant children who had been separated from their parents and whose parents had subsequently been deported from Sweden would also be deported.

27. **Ms. Oviedo Fierro** asked what the Government was doing to ensure that the education provided to children with neurological and cognitive disabilities was of the same standard as that offered to other children. What steps was the Government taking to alleviate the trauma suffered by refugee children? In addition, she would like to know what specific measures were in place to deter Swedish citizens from engaging in the trafficking and commercial sexual exploitation of children. Lastly, she asked what efforts were being made to monitor arms exports and to prevent weapons from reaching countries where children were involved in conflicts.

28. **Mr. Kotrane**, referring to the right of unaccompanied migrant children to be heard in proceedings concerning them, asked the delegation to clarify what was meant by the provision in the Aliens Act that "children should be heard if it was not inappropriate". He

invited the delegation to comment on reports that the conditions in which migrant children were held in detention centres at times failed to meet minimum standards of dignity.

29. **Ms. Peyron** (Sweden) said that the appointment of guardians ad litem was regulated under the Act on Guardians Ad Litem for Unaccompanied Children. Training and support was offered by local chief guardians and the Migration Board, as appropriate. She confirmed that the child benefit rate for the third child was slightly lower than that for the first two children. However, additional support was provided to ensure that families' needs were met. In reply to Mr. Kotrane's request for clarification concerning the Aliens Act she said that all children must be given the opportunity to express their views in a personal interview; however, guidelines on the implementation of the Act made clear that children had the right, but not the obligation, to speak, and that they should not be forced to do so against their will.

30. **Mr. Stenberg** (Sweden) said that, while curricula in special schools for children with intellectual disabilities generally followed the core content of mainstream school curricula, grading schemes were adapted according to the target group concerned. He emphasized that attendance in special schools was on a voluntary basis only, and that the majority of children with disabilities attended ordinary schools.

31. **Ms. Löfstrand** (Sweden), in reply to questions raised at the 1936th meeting, said that children could be held in pretrial detention only if there were exceptional reasons for doing so. Subject to authorization by a court, prosecutors could impose certain restrictions on detainees in respect of visits and correspondence, for example. Such restrictions were imposed on an individual basis, and were subject to review and appeal. In 2013, a total of 119 children had been held in pretrial detention, mostly for less than 30 days in all. Judicial measures had been put in place to ensure that the length of pretrial detention was kept to a minimum. The Government took the view that the introduction of maximum time limits for pretrial detention would not guarantee shorter detention periods in practice. In fact, international research showed that authorities had a tendency to exhaust time limits when they existed.

32. Turning to other questions raised at the 1936th meeting concerning solitary confinement, she said that the Swedish prison and probation service had been instructed to implement a special set of measures for young persons in remand centres, with a view to reducing the harmful effects of isolation. That initiative had led to an increase in the number of psychologists working in remand centres and to a wider range of educational and recreational activities for detainees. The prosecution authorities were currently working on new proposals aimed at further reducing the isolation of young detainees, including closer cooperation with social services in order to develop alternatives to detention for children.

33. As indicated in paragraph 146 of the written replies to the list of issues (CRC/C/SWE/Q/5/Add.1), the overwhelming majority of children who had been arrested had not been placed in a police cell. Data produced by the Ombudsman for Children on the number of children detained in 2011 were not directly comparable with those presented by the Government, since they referred to different types of detention and were not uniformly documented. The Government, recognizing the difficulty in obtaining reliable data at the national level on which to base its child detention policy, was currently considering ways of improving police reporting procedures.

34. Internal police regulations laid down standards for remand facilities, including police cells, covering such aspects as cleanliness and personal hygiene. The detention of intoxicated persons was also carefully regulated in order to ensure compliance with necessary health safeguards.

35. While the Government was aware of instances of children being questioned in the absence of a lawyer, no data were available on the frequency of such incidents. The general

legal requirement that suspects under the age of 18 years should be assigned a defence lawyer could, very exceptionally, be waived in certain circumstances, such as when the suspect had admitted responsibility for a minor offence. She emphasized that information obtained in violation of suspects' rights would have very low evidentiary value in the courts.

36. **Mr. Kotrane**, recalling the Committee's general comment No. 10 on children's rights in juvenile justice, which highlighted the need for expeditious proceedings in cases concerning children, said that he wished to reiterate the importance of specifying a legal maximum duration of police custody and pretrial detention.

37. **Ms. Winter** wished to know the circumstances in which children not suspected of having committed any crime could be taken into police custody.

38. **Ms. Löfstrand** (Sweden) explained that the police could arrest children who were drunk.

39. **Ms. Palmstierna** (Sweden) said that in 2014, the realization that children living with disability might be especially vulnerable to violence had prompted a decision to set up a national centre responsible for compiling and disseminating multidisciplinary knowledge about violence and other forms of child abuse. The centre would be located in a State-run university or a higher education institution, to be selected on the basis of a report which the National Board of Health and Welfare would submit to the Government in March 2016.

40. **Ms. Evelius** (Sweden) said that the social services required the assistance of other services in order to identify children at risk of abuse and violence. The criteria for determining when there was an obligation to report suspected cases of maltreatment were established by law. The National Board of Health and Welfare had revised its guidelines on the subject, and had published information on how to notify the authorities in such cases. Rules had also been introduced on the immediate assessment of a child's need for protection once a case of maltreatment had been reported to a social welfare committee. Normally, a decision on whether to launch an investigation was required within a fortnight. The committee would then determine the necessary follow-up measures in light of the findings of that investigation.

41. The Government had instructed the Board to improve the knowledge base in order to support the social services in their work with children who had experienced violence. It was crucial that all children knew where to obtain professional help and advice. For that reason, a national website informing children about social services and their rights would be set up; the Ombudsman for Children was responsible for ensuring the participation of children and young people in its design. Moreover, in 2013, 68 per cent of municipalities had provided trained social workers around the clock who could respond to children's requests for assistance.

42. **Ms. Palmstierna** (Sweden) said that, in addition to the hotlines mentioned in the written replies to the list of issues, a national helpline called "Prevente!" was available to assist persons who felt that they had lost control of their sexuality and were worried about their thoughts and actions and afraid that they might harm themselves or someone else. The purpose of that helpline was to forestall sexual assault by enabling potential perpetrators to obtain preventive treatment. The Government had decided to finance the helpline and the training of professionals to staff it.

43. **Ms. Evelius** (Sweden) said that although the Government promoted breastfeeding, the number of breastfed babies had fallen during the previous three years. The National Breastfeeding Committee had been set up in 2009 in order to encourage collaboration and coordination between the authorities and other actors, with a view to persuading more women to breastfeed. A strategic plan had been drawn up for the coordination of breastfeeding issues for the period 2013–2016.

44. The National Board of Health and Welfare and the Public Health Agency had issued a joint report describing up-to-date treatment of children living with HIV/AIDS. That report contained recommendations which emphasized the importance of early detection and of adopting a modal, individualized approach, backed up with psychosocial and educational support. The administration of medication had to be carefully monitored in order to prevent undesirable side effects such as attention deficiency. Children and young people were offered long-term, personalized support in their everyday home and school environment. Parents and children had the right to be involved in the planning of those measures.

45. **The Chairperson** asked whether Sweden had a comprehensive database containing key indicators for breastfeeding. How was the implementation of the International Code of Marketing of Breast-milk Substitutes monitored? Why were exclusive breastfeeding rates dropping? Was there a policy on breastfeeding in emergencies? Had the root causes of attention deficit/hyperactivity disorder been analysed? Had the use of drugs to treat the disorder been monitored? Had alternative treatments not involving drugs been studied?

46. **Ms. Jakenberg Brinck** (Sweden) said that the rights of the child were an important factor which was borne in mind when assessing the impact of development cooperation activities. The Swedish International Development Cooperation Agency had drawn up a manual on the human rights-based approach to such cooperation, which was followed by Swedish embassies when programming development activities. Children had been a target group in the planning and execution of several development cooperation strategies. Children's rights would also be mainstreamed into a number of forthcoming development cooperation strategies.

47. **Ms. Falkdalen** (Sweden) said, in reply to a question put by Ms. Oviedo Fierro, that weapons exports were strictly controlled in her country. No weapons could be traded with foreign companies without authorization. The main prerequisites for obtaining such authorization were that no widespread, grave human rights violations occurred in the destination country; that it was not engaging in any external or internal conflict; and that there was no risk that child soldiers would be recruited in that country. Sweden had signed and ratified the United Nations Arms Trade Treaty.

48. **Ms. Löfstrand** (Sweden), replying to the question raised at the 1936th meeting concerning a formal ban on the recruitment of child soldiers between the ages of 15 and 18 years, said that Sweden complied fully with its obligations under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The reason why Sweden did not have a formal ban was that no age limit for such recruitment had yet been established in customary international law. The Government did, however, intend to reform legislation in order to raise the minimum age for military recruitment to 18 years. In December 2014, the Government had decided to review the need for legislative amendments to prevent and combat terrorism by criminalizing individuals who travelled or attempted to travel to foreign States in order to prepare or participate in acts of terrorism. The Government had appointed a national coordinator to safeguard democracy against violent extremism.

49. Sweden's criminal provisions on kidnapping, trafficking and procuring likewise fulfilled the requirements of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. A child who was handed over to another person for the purpose of forced labour would be regarded as a victim of kidnapping or trafficking. She asked the Committee to clarify in what respect Swedish legislation fell short of the requirements of the Optional Protocol in question. All acts connected with visual forms of child pornography were regarded as criminal offences. Her Government had no intention of withdrawing its declaration regarding article 2 (c) of the Optional Protocol. The Child Pornography Act would be amended if it appeared necessary to do so in the light of developments.

50. **The Chairperson** asked the delegation for its opinion on prohibiting the isolation of children in detention and finding alternatives to the use of belts.

51. **Ms. Winter** reminded the delegation that it had not answered the question raised at the 1936th meeting concerning honour killings.

52. **Ms. Palmstierna** (Sweden) said that there were two action plans designed to curb honour-related violence and oppression. The Government had instructed one county administrative board to disseminate a guide on the support and rehabilitation of young people placed in foster or residential homes because they might be or had been married against their will or subjected to honour-related violence. In 2013, that board had established a commission which was responsible for setting up a national team able to deal with the issue of forced and child marriage and honour-related violence.

53. A national help desk had been created in 2013 in order to build police capacity to investigate incidents involving such violence and to provide victims with the best possible protection. Measures had also been adopted to improve awareness of the issue, including an information campaign run by the police. Posters on the subject had been displayed in public transport. Schools played an important role in identifying children exposed to or threatened with honour-related violence.

54. All crime victims were entitled to protection under Swedish law. The National Board of Health and Welfare had issued new guidelines on the quality of children's shelters.

55. **Mr. Kotrane** thanked the delegation for its frank, comprehensive and well-informed answers which showed that great progress had been achieved in legislation and policies since the previous report. The Committee would nevertheless be putting forward a number of recommendations, many of which echoed those made in the previous reporting cycle. Its recommendations would cover, inter alia: the withdrawal of Sweden's declaration regarding article 2 (c) of the Optional Protocol on the sale of children, child prostitution and child pornography; the incorporation of the Convention into domestic law; ongoing problems of discrimination; hate speech; the incorporation of the best interests of the child in authorities' practice; the treatment of migrant children; training and education for tolerance; children in conflict with the law; a formal ban on the recruitment of children in armed conflict; and bringing Swedish legislation on trafficking into line with the relevant Optional Protocol.

56. **Ms. Baralt** (Sweden) said that the meeting had been a great coaching session. She agreed with the Committee that improving the socioeconomic environment was crucial in order to combat discrimination and make society more inclusive. Investment in education would undoubtedly save money in the long run. The Committee's recommendations would be translated and disseminated among the key actors. Children had a right to understand those recommendations. Indeed, awareness of rights was the first step towards their realization; for that reason, an information campaign would be mounted to improve children's knowledge of the Convention. Recent developments in a number of countries had shown that educating children and training them to show consideration to one another was absolutely vital in order to fight discrimination, xenophobia and radicalization. Vulnerable children were in special need of protection. Although everything must be done to restrict the isolation of children, it was sometimes needed in the children's best interests.

57. **The Chairperson** said that the Committee appreciated the delegation's frankness and readiness to respond to questions. She was sure that the interactive dialogue would pave the way to further progress in safeguarding the rights of children in Sweden.

The meeting rose at 12.55 p.m.

United Nations CRC/C/SR.1939*

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Committee on the Rights of the Child
Sixty-eighth session

Summary record of the 1939th (Chamber A) meeting
Held at the Palais Wilson, Geneva, on Wednesday, 14 January 2015, at 3 p.m.

Chairperson: Ms. Sandberg

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Initial report of Turkmenistan on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (continued)

* Reissued for technical reasons on 29 January 2015.

This record is subject to correction.

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The meeting was called to order at 3.05 p.m.

Consideration of reports of States parties (*continued*)

Combined second to fourth periodic reports of Turkmenistan (continued) (CRC/C/TKM/2-4; CRC/C/TKM/Q/2-4 and Add.1)

Initial report of Turkmenistan on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (continued) (CRC/C/OPSC/TKM/1; CRC/C/OPSC/TKM/Q/1 and Add.1)

Initial report of Turkmenistan on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (continued) (CRC/C/OPAC/TKM/1; CRC/C/OPAC/TKM/Q/1)

1. *At the invitation of the Chairperson, the delegation of Turkmenistan took places at the Committee table.*

2. **Ms. Atajanova** (Turkmenistan), replying to questions asked at the 1937th meeting, said that the comprehensive, intersectoral reform of the juvenile justice system would be completed in 2016. One of the main changes was that hearings and trials involving minors would be conducted in specially equipped premises so as to spare them unnecessary trauma. While some articles of the Criminal Code had already been brought into line with international instruments, a review of all national legislation was under way to complete the process. Seminars were being held, in conjunction with the United Nations Children's Fund (UNICEF), to train law enforcement officers and the judiciary with a view to reforming the way in which juvenile justice was handled.

3. **Ms. Berdiyeva** (Turkmenistan) said that many actors were involved in the implementation of juvenile justice, including the Ministry of Internal Affairs, the Ministry of Health, the Ministry of Education and non-governmental organizations (NGOs). The Inspectorate for Juvenile Affairs provided training in children's rights and a mentoring programme was being developed. Furthermore, relevant policies were being reworked and there were plans to build additional shelters.

4. **Ms. Khazova** (Country Rapporteur for the Convention and for the Optional Protocol on the sale of children, child prostitution and child pornography) asked whether the delegation could confirm that specialized judges would not be appointed to adjudicate cases involving juveniles. She also asked whether the reform affected only criminal law or whether it also encompassed civil law, whether it would introduce alternatives to imprisonment and whether it would address psychological support for child victims. Given that minors often fell into crime because of their family environment, it would be interesting to know whether a system was in place for the early detection of problems in the family and, if not, whether it might be considered as part of the reform.

5. **Ms. Berdiyeva** (Turkmenistan) said that the reform also covered civil law. Alternatives to imprisonment were already in place, including conditional sentences whereby young offenders remained with their families. The Inspectorate for Juvenile Affairs sent officers to schools to talk to teachers and identify troubled children. When discussions with the children failed, they were placed on a watch list in the hope of preventing them from falling into delinquency.

6. **Ms. Atajanova** (Turkmenistan) said that it had been decided that specialized juvenile courts were not appropriate. However, cases involving minors were generally assigned to judges who had experience with young offenders, and relevant training was available to judges. The juvenile justice system addressed psychological support and reintegration, which were provided by social workers in tandem with NGOs.

7. **Mr. Gastaud** asked whether large cities had judges who dealt solely with cases involving minors and whether the Criminal Code provided for different penalties depending on whether the offence was committed by a minor or an adult.

8. **The Chairperson** asked whether the new juvenile justice system would contain an element of restorative justice, such as meetings between offenders and victims.

9. **Ms. Atajanova** (Turkmenistan) said that the judges who handled cases involving minors had special training but also adjudicated other types of cases. Penalties were always different for minors than for adults. Offender-victim meetings or mediation were not currently an option, but they had been included in the juvenile justice reform for further study with a view to their future introduction.

10. **Ms. Agayeva** (Turkmenistan), replying to earlier questions about HIV/AIDS, said that basic prevention work was carried out by the National HIV/AIDS Prevention Centre, provincial information centres and more than 35 diagnostic laboratories, with the support of UNICEF, the United Nations Population Fund and the World Health Organization. The National Centre had not closed in 2010, but had been moved to a new, purpose-built facility. It was State funded and its main tasks were to raise awareness, including among children and families, carry out anonymous screening and provide pre- and post-test counselling. It also operated a helpline. Free HIV tests were available to blood donors, pregnant women, health-care professionals and persons living with specific medical conditions. The country was building a reserve of antiretroviral drugs to be renewed annually. The national programme for the prevention of HIV/AIDS 2012–2016 was particularly focused on the identification of risk factors. Health-care professionals received regular skills upgrading and manuals and protocols on HIV prevention had been designed in both Turkmen and Russian. The life skills component that had been added to the basic education curriculum dealt with the issue of HIV/AIDS.

11. **Ms. Khazova** enquired about trends in the HIV/AIDS morbidity rate.

12. **Ms. Agayeva** (Turkmenistan) replied that there were no data on the subject.

13. **The Chairperson** said that she took it that the authorities did not in fact know whether or not people were infected or that test results were not recorded.

14. **Ms. Agayeva** (Turkmenistan) said that certain categories of people were obliged to undergo HIV testing, that the results were recorded and that statistics were kept on those who were tested, but that there were no registered cases of HIV infection.

15. **Ms. Berdiyeva** (Turkmenistan) said that Turkmenistan was a country of origin for trafficking, but that no trafficking offences had been recorded between 2011 and 2014. A cooperation agreement between national law enforcement agencies and the International Organization for Migration was being negotiated. Victims of trafficking who returned to the country reported their experience and the offenders were brought to justice. Children were protected against trafficking because the authorization of both parents was required for a child to leave the country. Human traffickers were liable to 4 to 10 years' imprisonment when the victims were adults, or 8 to 15 years when the victims were minors. Since 2011, there had been fewer than five cases per year of the offence of enticing minors into prostitution.

16. **Ms. Khazova** said that she would appreciate clarification of the last-mentioned offence.

17. **Ms. Berdiyeva** (Turkmenistan) said that the figures she had provided were for the offence of engaging in sexual relations with a minor. Although there had been no victims of child pornography, there had been a few cases of paedophilia, which was defined under the Criminal Code as sexual interference with a minor. Peralties for that offence depended on

the age of the victim. Regarding the prevention of sexual offences against children, any professionals who might come into contact with children received specific training. Furthermore, international law, including the Convention and its Optional Protocols, was a compulsory subject at military and police academies and law schools. At the beginning of every academic year, the relevant ministries, the procurator's office and civil society organizations drew up a joint plan and organized conferences on a broad range of issues affecting children, including the risk of trafficking, prostitution and pornography.

18. **Ms. Khazova** said that she wished to receive further information about the conferences, specifically regarding the target audience, whether they were regular, how well attended they were and whether attendance varied between rural and urban areas.

19. **Ms. Berdiyeva** (Turkmenistan) replied that the conferences took place in schools periodically and that the target audience varied depending on the topic. Officials of the Inspectorate for Juvenile Affairs visited schools to ensure children's well-being.

20. **Ms. Khazova** asked how many children fell under the responsibility of each inspector and whether the inspectors' caseload was realistic.

21. **Ms. Berdiyeva** (Turkmenistan) said that the inspectors covered schools and underprivileged households in a given area and that their number was sufficient to manage the workload.

22. **The Chairperson** asked for clarification regarding the definition of human trafficking contained in the Criminal Code and the distinction apparently made between the sale of children, enticing minors into prostitution and trafficking in children.

23. **Ms. Berdiyeva** (Turkmenistan) said that, given that there had been very few cases of children being used for sexual purposes in the State party, such activities did not really constitute trafficking. The Criminal Code defined trafficking in persons as the purchase or sale of human beings or recruiting, transporting, harbouring or transferring them to another person for the purpose of their exploitation. Anyone found guilty of selling minors could be sentenced to 8 to 15 years' imprisonment.

24. **The Chairperson** requested clarification of the difference between the enticement of minors into prostitution and the use of children for sexual purposes under the State party's legislation.

25. **Ms. Berdiyeva** (Turkmenistan) said that law enforcement officials were responsible for carrying out preventive work regarding the trafficking of persons. The Inspectorate for Juvenile Affairs and representatives of law enforcement agencies and civil society also carried out such work with minors at risk of being trafficked. Officials of the Ministry of Internal Affairs regularly gave talks in schools to raise awareness of the issue. The International Organization for Migration (IOM) provided the State party with related technical support, and a national action plan to combat trafficking in persons for 2016–2020, which provided for victim protection and rehabilitation activities, was currently being prepared. Preventive measures in place included leaflets on trafficking in persons, devised by law enforcement officials and the IOM.

26. As to child pornography and the dissemination of pornographic materials and recordings, the relevant legislation had never been implemented because no cases had arisen involving those issues. However, such materials would be confiscated and destroyed following the completion of the corresponding investigation. Reoffenders could be imprisoned for up to 5 years.

27. **Mr. Geldimammedov** (Turkmenistan) said that the minimum age for enrolment in the country's military schools was 14 years. In addition to following the normal school curriculum, students at such establishments studied basic theoretical and preparatory

military studies for two hours a week and benefited from free board and lodging. Once they had finished their secondary education, they could choose to study at any higher education institution. School curricula covered general, human and children's rights, basic legal issues, national legislation on children's rights and international instruments, such as the Convention on the Rights of the Child (CRC).

28. **Mr. Madi** (Country Rapporteur for the Optional Protocol on the involvement of children in armed conflict) asked whether students at military schools received weapons training and whether the disciplinary procedures in such establishments differed in any way from those applied in non-military secondary schools.

29. **Mr. Geldimammedov** (Turkmenistan) said that students at military schools did not receive any weapons training and disciplinary procedures in such establishments were identical to those applied in other schools.

30. **Mr. Haljanov** (Turkmenistan), referring to a question asked at the 1937th meeting, said that no separate agreements on the two Optional Protocols existed between Turkmenistan and any of the other States members of the Commonwealth of Independent States (CIS). Agreements had, however, been signed on mutual legal assistance with a number of foreign States.

31. **Mr. Madi** said that he would appreciate clarification of a number of issues: the explicit criminalization of the recruitment or use, by non-State armed groups, of persons under the age of 18 years; the establishment and exercise, by Turkmenistan, of extraterritorial jurisdiction over offences under the Optional Protocol; and the early identification of former child soldiers (including asylum seekers and immigrants).

32. **The Chairperson** said that clarification was needed of the situation regarding extradition in the State party.

33. **Ms. Berdiyeva** (Turkmenistan) said that extradition was usually carried out on the basis of bilateral treaties and that, if no treaty existed, cases were considered individually by the Office of the Procurator-General.

34. **Mr. Madi** asked whether, in the absence of an extradition treaty, the State party would consider using the Optional Protocol as a legal basis for extradition.

35. **Ms. Atajanova** (Turkmenistan) said that, under the national Constitution, international law took precedence over all other instruments.

36. **The Chairperson** observed that the supremacy of international law might not be sufficient justification for the automatic use of the Optional Protocol as a legal basis for extradition. In the Optional Protocol itself, States were asked to consider using the instrument [illegible] asked whether there had been any discussion of that possibility in the State party. The Committee would like to see a general decision being taken to use the Optional Protocol as a legal basis for extradition.

37. **Ms. Atajanova** (Turkmenistan) said that the provisions of international instruments could be invoked if those instruments had been ratified.

38. **Ms. Khazova**, turning to the issue of the definitions of the offences of trafficking in children, child pornography and child prostitution, said that, despite the alarming rise in sexual exploitation via the Internet, the storage of child pornography for personal use was not, in itself, an offence under the Optional Protocol. Some experts believed that the act of storing such images was symptomatic of involvement in activities linked to child pornography, or of a willingness to take part in such activities. Consequently, the State party should amend its legislation to criminalize the storage of child pornography.

39. **The Chairperson** asked whether the State party would consider setting up a body or bodies to coordinate and monitor activities under the two Optional Protocols.

The meeting was suspended at 4.30 p.m. and resumed at 4.45 p.m.

40. **Ms. Atajanova** (Turkmenistan) said that the Interdepartmental Commission on compliance with Turkmenistan's international human rights obligations had been set up to coordinate efforts to meet the country's international human rights obligations. That body was made up of representatives of relevant ministries and departments, civil society and law enforcement agencies, and drafted national reports and proposals. However, the Office of the Procurator-General was responsible for coordinating and monitoring activities designed to combat trafficking in persons. Representatives of the Office of the Procurator-General regularly reported to the Commission on how the provisions of the relevant Optional Protocol were being implemented.

41. Turkmenistan cooperated with international organizations and special rapporteurs on the issue of juvenile justice. The Interdepartmental Commission was currently considering the possibility of inviting a number of special rapporteurs to visit the country.

42. With regard to refugee children (particularly those fleeing armed conflict) and the assistance provided to them in terms of rehabilitation and reintegration, in the late 1990s the State party had received large numbers of refugees from Tajikistan and Afghanistan. Those refugees had benefited from appropriate assistance. Under the Act on State Guarantees of the Rights of the Child, children granted refugee status enjoyed the same rights as children who were citizens of the State party: they could choose where they wanted to live; they had access to information on relatives living in Turkmenistan; they could return to their former country of residence (with the assistance of the national authorities), emigrate or apply for Turkmen citizenship; they were provided with temporary housing and employment opportunities; they were placed with appropriate institutions if they had disabilities; and they had access to health care, primary and secondary education and psychological assistance.

43. **The Chairperson** asked whether the State party had set up a child-sensitive asylum process for child asylum seekers who did not have refugee status. She also wished to know whether screening was carried out to identify possible former child soldiers and whether such children could be granted refugee status.

44. **Ms. Atajanova** (Turkmenistan) said that, when dealing with applications for refugee status and asylum, the first step was to identify the applicants, many of whom had no documentation. Adults and juveniles without identity documents were housed in special facilities while background checks were carried out. If the information provided by those persons was confirmed, they could apply to the State Migration Service for asylum, or request refugee status.

45. **Mr. Madi** said that the early identification of former child soldiers was vital in ensuring that such children received professional psychosocial care and assistance in terms of rehabilitation and reintegration and were separated from the general public.

46. **Ms. Berdiyeva** (Turkmenistan) said that she could not give any examples of how the State party dealt with the issue of former child soldiers because the national authorities had not had any experience in that regard. However, national medical personnel and experts were more than capable of providing any care required and conducting the necessary assessments.

47. **Ms. Berdiyeva** (Turkmenistan), responding to a question from Ms. Khazova, said that a special department of the Ministry of Internal Affairs had been tasked with identifying child pornography offences online and taking the necessary preventive measures. If there were found to be discrepancies between domestic and international

legislation on any matter, including child pornography, the Ministry could work with the Cabinet of Ministers to propose amendments or additions. The online dissemination among children of electronic games with explicit sexual content was prohibited.

48. **Ms. Atajanova** (Turkmenistan) said that, under the Weapons Act, the procurement and sale of small arms required a permit and was subject to permission from the Ministry of Foreign Affairs.

49. **Mr. Madi** recalled that the Committee specifically wished to know whether the State party's legislation prohibited the export of arms and military assistance to countries where children had been recruited or used in armed conflicts or hostilities.

50. **Ms. Berdiyeva** (Turkmenistan) said that Turkmenistan was not engaged in an armed conflict and did not manufacture or export weapons. It imported weapons for military use by decision of the Cabinet of Ministers. Any other trading in military weapons was prohibited.

51. In response to questions about the recruitment of children, she said that the Criminal Code did not explicitly criminalize the practice, nor did it define the recruitment of children aged under 15 as a war crime.

52. **Mr. Gastaud** asked whether international humanitarian law and human rights law formed part of the training given to members of the armed forces.

53. **Ms. Atajanova** (Turkmenistan) said that such topics were included in higher education courses and training programmes for law enforcement officers, military officials and border guards. Civil servants took a course on international relations with a section on human rights. Moreover, the Interdepartmental Commission on compliance with Turkmenistan's international human rights obligations was in the process of translating the Geneva Conventions of 1949 into the national language, with the aim of producing a compendium that would be disseminated among students in law schools and other higher education institutions.

54. **Mr. Geldimammedov** (Turkmenistan) said that military academies were run by representatives of the Ministry of Internal Affairs. Military subjects were taught by military officials, while civil subjects were taught by specialists with the appropriate qualifications.

55. **Mr. Gastaud** asked whether complaints mechanisms had been put in place in such academies and, if so, whether students could lodge complaints directly with the relevant authorities, without having to involve the military hierarchy.

56. **Ms. Berdiyeva** (Turkmenistan) replied that mechanisms had been set up and that it was her understanding that students could submit complaints directly. Rules on when and how complaints could be lodged were set out in a law on citizens' petitions.

57. In reply to a question about establishing and exercising extraterritorial jurisdiction, she said that the matter was covered by the Code of Criminal Procedure and handled by the Office of the Procurator-General, which could request foreign authorities to extradite Turkmen citizens or foreigners who had been charged with an offence by a national court. The extradition of persons convicted of an offence and sentenced to a prison term by a foreign court was governed by international treaties and bilateral agreements.

58. **Mr. Madi**, drawing the delegation's attention to article 4 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, said that measures should be taken to combat the recruitment or use in hostilities of minors by non-State armed groups, even if such groups were not based in the State party.

59. **Ms. Berdiyeva** (Turkmenistan), in reply to a question about voluntary recruitment into the armed forces, said that the military of Turkmenistan was staffed through conscription and on a voluntary basis by persons aged 18 and over.

60. **The Chairperson** asked whether the Government intended to establish an independent national human rights institution in line with the Paris Principles and, if so, whether there would be a special department or children's ombudsman dealing specifically with the Convention.

61. **Ms. Atajanova** (Turkmenistan) said that the creation of an independent human rights institution was being considered, alongside the many other recommendations that the Government had received in recent years. Many meetings and seminars had been held on the matter and a bill on the establishment of an ombudsman had been brought before parliament. The duties and responsibilities of the ombudsman had not yet been decided, but might include a focus on children. Although it was too early to provide assurances, it was likely that progress would be made in the near future.

62. **Ms. Khazova** thanked the delegation and expressed her hope that the National Plan of Action for Children would be adopted in 2015 and serve as a road map for future legislative developments. She noted that, despite the significant progress made in Turkmenistan, children's rights still did not receive the attention that they deserved. With that in mind, she hoped that a coordinating body would be set up to deal with children's issues and enable children to play a full and active role in society.

63. **Mr. Nogueira Neto** said that the State party should introduce further reforms of its Criminal Code to ensure greater compliance with the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Given the increasing level of responsibility that was placed on children's shoulders, it was important for victim and witness support programmes to be geared towards their empowerment.

64. **Mr. Madi** said that he hoped that the Government would continue to enact laws to protect children's rights and consider ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

65. **Ms. Amanniyazova** (Turkmenistan) said that the Committee's recommendations and conclusions would be analysed with a view to their eventual implementation. Efforts would be made to amend existing legislation and pursue international cooperation, which was one of the cornerstones of national policy.

The meeting rose at 5.50 p.m.